Friday,
19th November, 1954

LOK SABHA DEBATES

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EIGHTH SESSION, 1954

LOK SABHA SECRETARIAT
NEW DELHI

LOK SABHA DEBATES

Date: 02.12.2015

(Part I—Questions and Answers)

LOK SABHA

Friday 19th November, 1954

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

जच्चा तथा शिशु कल्याण

*१७७. **श्री एम० एल० द्विवेदी** : क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगी कि :

(क) जच्चा तथा शिशु कल्याण केन्द्रों के लिये एयर कंडीशर्तिग प्लांट लगाने में कहां तक प्रगति हुयी है ;

(ख) इस प्लांट के लगाने पर कितना खर्च होने का अनुमान है ;

(ग) इस प्लांट मे क्या काम लिया जायगा ; और

(घ) यह कब चालू होगा ?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) There is no scheme for installation of air conditioning plants for use by the Maternity and Child Welfare Centres.

(b) to (d). Do not arise.

Shri M. L. Dwivedi: May I know if any offer of assistance has been received by the Government of India from the Ford Foundation or any other World Organisation for this purpose?

Shrimati Chandrasekhar: Yes, Sir, in 1951 the UNICEF agreed to supply basic air-conditioning equipment for four hospitals in Delhi.

Shri M. L. Dwivedi: May I know, Sir, whether the entire money to be invested in this connection was coming from that organisation or the Government of India also invested a part of it?

Shrimati Chandrasekhar: They have supplied four units which will approximately cost about $ 6,000. Erection of things like cooling etc., has to be done by us.

Shri M. L. Dwivedi: What is the advantage which has been derived out of these units?

Shrimati Chandrasekhar: Air-conditioning.

Mr. Speaker: Question 180.

Shri B. S. Murthy: Question 184 also may be taken along with it.

Shri Krishnacharya Joshi: It is better if they are answered separately.

Mr. Speaker: If the Member so desires they may be answered separately.

HYDERABAD-KAZIPET TRAIN ACCIDENT

*180. **Shrimati Tarkeshwari Sinha**. Will the Minister of **Railways** be pleased to state:

(a) whether a detailed report has since been received by Government about the Hyderabad-Kazipet-Express Train accident in September, 1954;

(b) if so, the total number of casualties; and

(c) the total amount of compensation paid to the sufferers?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) The draft Report of the Government Inspector of Railways has been received.

(b) (i) Killed, 136 as far as known.

(ii) Injured—

Grievous. 18

Minor. 70

Total. 88.

In view of the circumstances under which the bodies were swept away by the flood water it is not possible to be sure of the accuracy of the number of the dead.

(c) No payments have been made so far.

Shrimati Tarkeshwari Sinha: May I know, Sir, what was the cause of this railway accident?

Shri Shahnawaz Khan: Very heavy down-pour of rain and a spate in the river which scoured the piers which sank eventually.

Shrimati Tarkeshwari Sinha: What was the total life of that bridge and how many years in that total life had already expired?

Shri Shahnawaz Khan: I do not have the information with me just now, but the bridge was not over-aged in any case.

Shri Veeraswamy: May I know what action has been taken against those who were responsible for the accident?

Shri Shahnawaz Khan: Nobody was responsible for this accident.

Shri Altekar: May I know when the bridge was previously inspected.

The Minister of Railways and Transport (Shri L. B. Shastri): Annual inspection was done as usual and normal inspection was done about a week before.

Shri Raghuramaiah: May I know whether any express train or some other train had passed that way a few minutes or hours before and what was the information received by the railway authorities about the track?

Shri Shahnawaz Khan: A passenger train had passed over this bridge quite safely only fifty minutes before the accident.

Shri B. S. Murthy: May I know whether when the fatal train was passing water was flowing over the rails?

Shri L. B. Shastri: That was not so.

REHABILITATION WORKS OF RAILWAYS

***181. Pandit Munishwar Datt Upadhyay:** Will the Minister of **Railways** be pleased to state:

(a) the measures, if any, taken to remove the difficulties in the implementation of the rehabilitation works of the Railways under the First Five Year Plan; and

(b) the outstanding rehabilitation works which were originally intended to be carried out in the First Five Year Plan but which may have to be undertaken only during the Second Five Year Plan?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) The Chief difficulty in the implementation of the rehabilitation works of the Railways is the shortage of rolling stock and of materials like steel-rails, sleepers, plates, sheets, etc. Steps have however, been taken to increase indigenous output of wagons and also to import rails and sleepers through the Indo-American Technical Aid Agreements and directly from abroad.

(b) In view of the fact that we are still in the Fourth Year of the Plan, it is not possible to state which of the rehabilitation works will be thrown forward. It is expected that substantially the rehabilitation works will have been completed before the close of the First Five Year Plan.

Pandit Munishwar Datt Upadhyay: What are the materials that we are likely to get from the United States?

Shri Alagesan: Under the Indo-American Technical Co-operation Aid

Programme about 50,000 tons of rail and 30,000 tons of steel sleepers are expected to be imported before the current financial year will be over.

Pandit Munishwar Datt Upadhyay: By what time shall we be in a position to be self-sufficient in respect of rolling stock engines, coaches and wagons?

Shri Alagesan: The House is well aware of the programme that has been made both for import and also indigenous manufacture. We should be able to overtake the arrears in a fairly short time.

Shri S. C. Samanta: Are we not manufacturing steel sleepers in our country, and is it a fact that many companies have not got orders though they applied for them?

Shri Alagesan: I think we have absorbed the entire indigenous capacity and for the shortage we have placed orders.

Shri T. K. Chaudhuri: May I know if the locomotives that we get from the United States of America are not actually supplied from the U.S.A., but the U. S. Government doles out, or distributes, contracts to different countries like Japan and others and we get supplies through the intermediary of U.S.A. What prevents us from getting these locomotives from these countries direct?

Shri Alagesan: We are getting locomotives direct also. But under the aid programme it is the U.S. Administration that makes these arrangements.

DEVELOPMENT OF FORESTS IN TRAVANCORE-COCHIN

*182. **Shri V. P. Nayar:** Will the Minister of **Food and Agriculture** be pleased to refer to para 98 of the Progress Report of the Five Year Plan for 1953-54 and state:

(a) whether Government have ascertained the precise reasons for the utilisation of only 3 per cent. of the planned expenditure by the Travancore-Cochin State on forest development; and

(b) if so, what they are?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) and (b). A reply from the Travancore-Cochin Government who have been addressed in the matter, is still awaited. The information, when received, will be furnished to the Lok Sabha.

Shri V. P. Nayar: It appears from the Progress Report of the Planning Commission that Government attribute this non-utilisation of the expenditure to the lack of proper organisation of the newly formed Forest Department and also required technical personnel. May I know whether Government are aware that Travancore-Cochin has one of the oldest forest departments in India and also that we have many persons who had training and who have degrees from foreign universities like Cambridge, in forestry?

Dr. P. S. Deshmukh: I am prepared to accept the view my friend has taken. But I do not know where the mistake exactly lies.

Shri V. P. Nayar: May I know, Sir, whether Government are aware that simultaneous with this non-utilisation of the amounts given by the Centre the Government of Travancore has been for some time allowing indiscriminate felling of trees from the forest by the favoured few?

Dr. P. S. Deshmukh: Sir, very often this thing happens in spite of the State Governments. I do not think that the Travancore-Cochin Government allows indiscriminate felling.

HYDERABAD-KAZIPET TRAIN ACCIDENT

*184. **Shri Krishnacharya Joshi:** Will the Minister of **Railways** be pleased to state:

(a) the main findings of the committee which was appointed to enquire into the Railway train accident at Jangoan on the 27th September, 1954; and

(b) what action Government propose to take on the recommendations of the said Committee?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) No Departmental Committee was appointed to enquire into the accident as a statutory enquiry was held by the Government Inspector of Railways, Bangalore. His provisional finding as to the cause of the accident is that the accident was the result of the failure of bridge No. 393 at mile 174/5-4, after the engine of the train had passed over it, the failure having been brought about by the sinkage of pier No. 2 scoured at its foundation due to very heavy and sudden floods.

(b) The recommendations of the Government Inspector have not yet been finalised.

Shri Krishnacharya Joshi: May I know, Sir, the total number of persons who were travelling in this train?

Shri Shahnawaz Khan: The estimate, as accurately as we have been able to make it is about 400—399, to be exact.

Shri Krishnacharya Joshi: May I know whether all the dead bodies have been recovered?

Mr. Speaker: I think these questions are being repeated. He gave a reply about that.

Shri Krishnacharya Joshi: May I know how many persons have filed their claims?

The Deputy Minister of Railways and Transport (Shri Alagesan): Thirty-three claims amounting to two lakhs fifteen thousand and odd rupees.

Shri N. M. Lingam: A few minutes ago the hon. Minister said that the bridge was inspected a week prior to the date of the accident. May I know if after that inspection the engineer concerned certified as to the structural stability of the bridge? If so, do Government believe that the accident occurred on account of the collapse of the bridge within a week?

The Minister of Railways and Transport (Shri L. B. Shastri): The annual inspection is done thoroughly, as I said, and then the certificate is given by the engineers. In the normal inspections which are done, usually there is no formal certificate given by the engineers. But in this case it is not the opinion of the railway engineers but of the Government Inspector himself that one of the pillars of the bridge was washed away in a few moments' time.

Dr. Ram Subhag Singh: The hon. Parliamentary Secretary in reply to a supplementary said that about four hundred persons have died, whereas in the reply....

Shri L. B. Shastri: 399 were travelling.

Mr. Speaker: The passengers in the train were 399.

Dr. Ram Subhag Singh: May I know whether the claims filed by the relatives of the persons whose dead bodies have not been found, would also be entertained?

Shri Shahnawaz Khan: A Claims Commissioner has been appointed for that very purpose, and he will certainly go into the merits of each case.

Shri Nambiar: May I know whether the Canadian engine was used on the date of the collapse of the bridge?

Shri Shahnawaz Khan: A W.P. engine was being used.

Mr. Speaker: Order, order. There is no use going into all these questions. It is quite clear that there was an unprecedented flood, a very heavy flood, and that caused the whole thing. But the questions all point to the fact that something was neglected and cross-examination is done on that by way of these questions. It is begging the question. If it was considered an accident there is an end of the matter.

Shri Nambiar: The usual engine was not used, another engine was used.

Mr. Speaker: Order, order.

Shrimati Tarkeshwari Sinha: May I know whether the Government can give us an idea of the total amount of compensation claimed that has to be given?

Shri Shahnawaz Khan: So far only a very limited number of claims have come in: twenty-three claims in respect of those who died, twelve in respect of property and one claim in which no particulars have been given. As I said, a Claims Commissioner has been appointed and no doubt further applications will be received by him in due course of time.

Shri P. C. Bose: May I know if the damaged line has been repaired and re-constructed with sufficient safety margin to withstand another blast of flood like that?

Shri Shahnawaz Khan: The line has been re-constructed, but the bridge is being reconstructed. At present it is being surveyed. Only temporary traffic across the bridge has been restored.

RAILWAY BOARD

***187. Shri S. C. Singhal:** Will the Minister of **Railways** be pleased to **state:**

(a) the necessity for adding one more Member to the Railway Board; and

(b) the annual establishment and other expenses of the Railway Board for the last three years?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) As I said in the statement made by me on the floor of the House on the 24th September, 1954, it was decided to increase the strength of the Railway Board by one in view of the imperative need for scientific planning and expediting the implementation of large Schemes which the Railways will be called upon to undertake in the coming years.

(b) The expenditure of the office of the Railway Board during the last three years was as follows:—

	(In thousands)
1951-52	30,26
1952-53	31,82
1953-54	35,58

Shri S. C. Singhal: The Railway Board was created in the year 1905 in order to exercise government control over company-managed railways when railways were working under the Commerce and Industry Department of the Government of India.

Mr. Speaker: Order, order. What is his question? He may put his question.

Shri S. C. Singhal: It is the question, Sir.

Mr. Speaker: He is reading some history.

Shri S. C. Singhal: Not history; it is only the context.

Now, when all the railways are State-owned and State-managed and re-grouped only in six railways for administration and there is a full-fledged Railway Ministry, do the Government in such circumstances not consider the desirability of abolishing the Railway Board?

Mr. Speaker: Do Government consider the desirability of abolishing the Railway Board, in fact what is the necessity for it? That is his question.

The Minister of Railways & Transport (Shri L. B. Shastri): I do not think so.

Shri M. L. Dwivedi: In view of the fact that various Consultative Committees at the Centre and in the regions have been constituted, what is the reason for continuing still the Railway Board?

Shri L. B. Shastri: They are entirely two different things, the Consultative Committee and the Railway Board.

Shri M. L. Dwivedi: May I know whether the Committees cannot perform the functions of the Railway Board?

Mr. Speaker: They are Consultative Committees. This is an executive body.

Shri L. B. Shastri: They perform entirely different functions.

Shri V. P. Nayar: May I know whether one of the functions of the Railway Board is to advise the Railway Ministry, and may I also know whether it is a fact that one of the members of the Railway Board who relinquished office recently has been appointed as an Adviser to the Railway Ministry?

Shri L. B. Shastri: Everything that Mr. Nayar has said is correct.

AMRITSAR-LAHORE RAILWAY LINK

***188. Shri Gidwani:** Will the Minister of **Railways** be pleased to state whether goods traffic will also be resumed between the two stations on the Amritsar-Lahore Railway Line?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): Indo-Pakistan goods traffic was resumed on "Paid-To pay" system introduced from 6th November 1949 and is booked "Paid" by one country upto its border station and "To pay" for the remaining portion of journey falling in the other country.

Shri Gidwani: Is there any likelihood of traffic being resumed on the Jodhpur side?

The Minister of Railways and Transport (Shri L. B. Shastri): Unless the Pakistan Government agrees to it we cannot resume that traffic.

Shri Gidwani: Have any negotiations been carried on to that effect?

Shri L. B. Shastri: There has been some talk going on, but this matter has not been finalised yet.

Shri K. K. Basu: May I know whether there is a proposal to restore railway connection from Sealdah to North Bengal through Pakistan?

Shri L. B. Shastri: We have not received any such proposal.

EXPANSION OF SUGAR FACTORIES

***189. Th. Lakshman Singh Charak:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the number of applications for expansion of the existing sugar factories; and

(b) whether all the applications received have been forwarded to the Licensing Committee appointed under the Industries (Development and Regulation) Act, 1951?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) 30 upto 3rd November, 1954.

(b) No. Out of the 30 applications received, 26 have already been disposed of by the Licensing Committee. The remaining 4 will be forwarded to the Licensing Committee on receipt of certain supplementary information which has been called for from the factories concerned.

Th. Lakshman Singh Charak: May I know which area these applications were mostly from?

Dr. P. S. Deshmukh: Naturally, since the applications are from the existing sugar factories they are bound to be from those areas where the sugar factories are in large number.

Mr. Speaker: He wants to know the area.

Dr. P. S. Deshmukh: That is, U. P. and Bihar.

Th. Lakshman Singh Charak: What action has been taken by the licensing authority on the applications forwarded to it?

Dr. P. S. Deshmukh: As I have mentioned, we have approved some of them and the remaining are pending.

Th. Lakshman Singh Charak: How many of them have been accepted and how many rejected?

Dr. P. S. Deshmukh: As I have stated in my reply, out of the thirty, twenty-six have been already disposed of by the Licensing Committee, and the remaining four remain.

Th. Lakshman Singh Charak: How disposed of?

Dr. P. S. Deshmukh: I can give the list of those whose applications have been approved.

Shri Sarangadhar Das: In view of the fact that there is scarcity of sugarcane for crushing in U.P. and Bihar, is it advisable to allow them to expand the factories?

Dr. P. S. Deshmukh: This will be permitted only where we think the cane supply would be sufficient.

Mr. Speaker: Next question.

POSTAL SAVINGS BANK

*191. **Shri Dabhi:** Will the Minister of **Communications** be pleased to state:

(a) whether it is a fact that the Postal Savings Bank pays higher rate of interest on the amounts deposited by individuals than on the amounts deposited by village Panchayats and other similar bodies; and

(b) if so, whether Government propose to remove this anomaly, so that village panchayats and such other bodies may be encouraged to invest their money in Postal Savings Bank Accounts?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes.

(b) No.

Shri Dabhi: May I know the reasons for fixing a lower rate of interest for small bodies like Gram Panchayats?

Shri Raj Bahadur: As a matter of fact, the transactions of public accounts are in the nature of current accounts, and normally even commercial banks do not allow any rate of interest on such accounts, and if we allow any interest on these accounts, commercial banks are also likely to take objection as it will be unfair competition.

Shri Dabhi: May I know who decides this rate of interest?

Shri Raj Bahadur: From time to time there have been investigations into this matter, and in 1950 we appointed what has been known as the Post Office Savings Bank Enquiry Committee. It was on the recommendations of that Committee that the present rates of interest were fixed.

Shri Altekar: May I know whether the Village Panchayats have got greater facilities than the ordinary individual in operating in these banks?

Shri Raj Bahadur: No, Sir. It is the reverse in the matter of rate of interest.

Pandit D. N. Tiwary: May I know whether the Minister is aware that even the commercial banks pay interest on current accounts on minimum balances?

Shri Raj Bahadur: So far as I know the leading commercial banks do not allow interest on current accounts.

Pandit D. N. Tiwary: I have not finished the question. So, in these circumstances will he consider the desirability of increasing the rate of interest for the public accounts?

Shri Raj Bahadur: This has been already considered and it has not been considered desirable to do so.

FERGUSON IMPLEMENT

*192. **Shri Bibhuti Mishra:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that a demonstration for the operation of a special Ferguson implement designed for paddy cultivation was organised by Messrs. Escorts (Agents) Ltd. at the Indian Agricultural Research Institute, New Delhi on the 1st October, 1954;

(b) if so, whether the implement can be introduced in villages; and

(c) the acreage per hour that can be prepared by this implement for paddy transplantation and the cost thereof?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) A demonstration of the puddler was made by Messrs. Massey Harris Ferguson Co., Bangalore on Indian Agricultural Research Institute's farm on 30th September 1954.

(b) There are possibilities of its introduction.

(c) The manufacturers claim to prepare an acre in 2½ to three hours. The cost was not worked out as the demonstration was made for a very short period.

श्री विभूति मिश्र : इस औजार की कीमत क्या होगी ?

डा० पी० एस० देशमुख : अभी उन्होंने कीमत मुकर्रर नहीं की है, यह सिर्फ एक्सपेरिमेंटल तौर पर किया है ।

श्री विभूति मिश्र : क्या सरकार ने कभी यह भी सोचा है कि बिहार, बंगाल और उड़ीसा में जहां पेड्डी की ज्यादा खेती है वहां इस का इस्तेमाल अच्छी तरह से हो सकेगा या नहीं ?

डा० पी० एस० देशमुख : अभी हम ने कुछ तय नहीं किया है, यह सिर्फ एक्सपेरिमेंटल डिमान्स्ट्रेशन था । इस के बाद सब कुछ इस पर निर्भर करेगा कि इसकी कीमत क्या होगी और वह कितना यूजफुल हो सकेगा ।

LOANS TO ANDHRA STATE

*193. **Shri C. R. Chowdary:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the amount that has been allotted to the Andhra State for providing credit facilities to the cultivators for purchasing improved seeds, fertilisers and implements of husbandry for the year 1954-55; and

(b) how much has so far been utilised by the Andhra State?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Normally, loans to States are given only for distribution of ammonium sulphate and improved seeds. The State Government has been allocated 60,600 tons of this fertiliser and a request for a loan of Rs. 63 lacs is under consideration.

(b) Does not arise.

Shri C. R. Chowdary: May I know how much of the fertiliser allocated to Andhra State has been utilised by the Andhra State?

Dr. P. S. Deshmukh: I have given this figure, over 40,000 tons. I have not got the exact figures upto date.

Shri C. R. Chowdary: May I know the agency through which these fertilisers are distributed to the ryots?

Dr. P. S. Deshmukh: It is left to the State Governments to determine.

चलते फिरते डाक घर

*१९४. **श्री नवल प्रभाकर :** क्या संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) भारत में चलते फिरते डाकघरों को कहां तक सफलता मिली है ;

(ख) क्या शीघ्र ही भारत के अन्य नगरों में भी इसी प्रकार के डाकघर चालू करने का विचार किया जा रहा है ; और

(ग) यदि हां, तो किन किन नगरों में ?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) The urban Mobile Post Offices have proved very successful.

(b) Yes.

(c) Bombay and Calcutta.

श्री नवल प्रभाकर : क्या मैं जान सकता हूं कि निकट भविष्य में इस प्रकार की कोई सेवा

दिल्ली की नवनिर्मित विस्थापित बस्तियों के लिये भी चालू करने का विचार हैं ?

श्री राज बहादुर : दिल्ली में यह सेवा पहले ही चलती हैं और हम यह आशा करते हैं कि जो नये प्रकार के पोस्टल वैन तैयार किये गये हैं उनमें से दो यहां पर रक्खे जायेंगे, जिस के जरिये से एक जो पुराना यहां पर हैं वह हटा दिया जायगा और उसकी जगह एक नया आ जायेगा । और इस के अलावा एक और बढ़ा दिया जावेगा ।

Shri Veeraswamy: May I know whether there are mobile post offices in Madras City and if so, whether they cover the entire city or not?

Shri Raj Bahadur: There is a mobile post office service obtaining in Madras from 1st August 1951.

Pandit D. N. Tiwary: May I know by what time Patna will be included?

Shri Raj Bahadur: We have started these services in places from where the night airmail service has been introduced. To begin with we are considering only such places.

CO-OPERATIVE SOCIETIES

*196. **Shri Nambiar:** Will the Minister of **Railways** be pleased to state:

(a) whether Government have accepted the Report of the Officer on Special Duty (Co-operation) under the Ministry of Railways;

(b) whether it is a fact that credit facilities to the shareholders of the Employees Co-operative Societies on Railways are to be discontinued; and

(c) if so, the reasons therefor?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) Most of the recommendations contained in his Report have been accepted.

(b) and (c). Yes; but the matter is being reviewed and it is proposed to provide credit facilities. Rules are at present being framed for the purpose.

Shri Nambiar: May I know whether it is a fact that 95 per cent. of the sales to shareholders from the co-operative stores are on credit and if so, whether the officer who made the enquiries knew it?

Shri Shahnawaz Khan: I do not know. I will take the information from the hon. Member.

Shri Nambiar: May I know, Sir, why the question of stopping the credit facilities was raised, and have the Government reviewed the question and if so, why?

Shri Shahnawaz Khan: The reasons why the credit facilities were stopped to consumers were that it would unnecessarily lock up the capital of the society, it would create bad debts which might have to be written off, and it would increase the clerical work and also the idea was to inculcate the habit in the railwaymen to live within their means, because if they are given credit, they might buy too many things and live beyond their means.

Shri Nambiar: May I know whether Government are aware that if the credit facilities are stopped, these co-operative stores of the railways will meet with their natural death?

Shri Shahnawaz Khan: The hon. Member has made a representation to the hon. Minister, and his representation is being considered with the due respect that it deserves.

NATIONAL HIGHWAYS

*197. **Shri Bheekha Bhai:** Will the Minister of **Transport** be pleased to state:

(a) whether it is a fact that the progress in the construction of National Highway No. 8 (Udaipur-Modasa Section) is very slow;

(b) if so, the reasons therefor;

(c) whether it is a fact that a bridge over River Kagdar has not been constructed despite the lapse of three years; and

(d) what steps Government propose to take to expedite the construction of this Highway?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) and (d). The alignment of National Highway

No. 8 is Udaipur-Kherwara-Bichiwara-Ratanpur-Himmatnagar- Ahmedabad-Bombay, and the Bichiwara-Modasa road is not a National Highway. The progress on the construction of the missing links on the National Highway is satisfactory.

(b) Does not arise.

(c) Tenders for the construction of a bridge over the Som at Kagdar have been called for recently, and the work is expected to be commenced shortly.

Shri Beekha Bhai: May I know the total mileage of roads which have been fully constructed as part of the National Highway No. 8?

Shri Shahnawaz Khan: As I said, the only missing link was the 22 miles that is being constructed.

Shri Beekha Bhai: May I know the time by which the construction work of the bridge will begin and will be completed?

Shri Shahnawaz Khan: All the estimates are ready. The material is being collected and we hope that the bridge will be constructed within eighteen months from the day it starts.

Shri Beekha Bhai: May I know, Sir, the reason for the delay which has taken place in erecting this bridge?

Shri Shahnawaz Khan: In order to construct any bridges, the railway engineers have to be most careful to select the proper site.

MAIZE HYBRID

***200. Shri Radha Raman:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that a U.S. maize hybrid has yielded more grain as compared to the yield of a leading Indian maize variety in a test carried out at the Indian Agricultural Research Institute, New Delhi;

(b) how much more yield it has given;

(c) whether Government have taken any steps to import these hybrid seeds in large quantities; and

(d) if so, in what quantity and at what rate?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Yes.

(b) 15·5 mds. per acre.

(c) and (d). Due to very high cost of seed it was thought inadvisable to import foreign hybrids in large quantities but to produce our own hybrid seed.

Shri Radha Raman: May I know, Sir, if this variety of seed is proposed to be tried in some particular areas in India?

Dr. P. S. Deshmukh: This is still in an experimental stage. It will be tried as an experiment for the time being, but we want to intensify the research.

Shri Radha Raman: May I know whether in view of the heavy cost that this variety of seed entails, Government have given up the idea of importing it?

Dr. P. S. Deshmukh: No, not altogether. We import sometimes in limited quantities.

Shri V. P. Nayar: May I know whether Government have any information about the specific species of plants from which this hybrid is evolved, and whether under the Government of India, any steps have been taken to evolve this hybrid in India under Indian conditions?

Dr. P. S. Deshmukh: Yes, that is the effort. We want to raise this under Indian conditions.

RAILWAY PUBLIC SERVICE COMMISSION

***201. Shri Lakshmidhar Jena:** Will the Minister of **Railways** be pleased to state:

(a) the number of Public Service Commissions that have been constituted for recruitment of railways staff throughout India;

(b) the names of places where their headquarters are situated;

(c) whether there is any such Railway Service Commission in Calcutta; and

(d) if so, the name of the Railway to which it pertains?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Four.

(b) Calcutta, Bombay, Allahabad and Madras.

(c) Yes.

(d) The Railway Service Commission, Calcutta recruits Class III staff for the Eastern Railway, the Pandu region of the North Eastern Railway and the Chittaranjan Locomotive Works.

Shri Lakshmidhar Jena: May I know whether it is a fact that the Eastern Railways are running throughout the entire State of Orissa?

Shri Alagesan: It covers the State of Orissa and other States as well.

Shri Lakshmidhar Jena: May I know whether there is any Oriya member in that Railway Public Service Commission?

Shri Alagesan: No member from Orissa is sitting on the Commission.

Dr. Ram Subhag Singh: May I know whether the Railway Public Service Commission give chance to all the applicants, or they scrutinise the applications of only a limited number of candidates?

Shri Alagesan: Applications are received, but only a limited number is selected for interview, and they are interviewed; and then, the selection is made.

Shri S. C. Samanta: May I know whether there is any move to amend the rules and regulations of the Railway Public Service Commission, in view of the difficulty that all candidates are not given a fair chance to be examined?

The Minister of Railways and Transport (Shri L. B. Shastri): We are examining that matter.

Shri Nambiar *rose*—

Mr. Speaker: Next question.

MISUSE OF TELEPRINTERS

*202. **Shri Tushar Chatterjea:** Will the Minister of **Communications** be pleased to refer to the answer to starred question No. 44 asked on the 24th August, 1954 and state:

(a) the nature of the misuses committed by the Teleprinter service; and

(b) the action taken against the news agencies concerned?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Transmission of messages not permissible to be sent at Press Rates under the laws and bye laws, rules and regulations and not intended for publication in registered news papers.

(b) News Agencies have been warned that if proper use of the press circuits is not made, the circuits will be withdrawn.

Shri Tushar Chatterjea: May I know what are the news agencies that have committed these misuses?

Shri Raj Bahadur: I have already indicated it in reply to part (a) of the question. That is what we have obtained as a result of monitoring.

IMPORT OF FOODGRAINS

*203. **Shri T. K. Chaudhuri:** Will the Minister of **Food and Agriculture** be pleased to state the programme for import of food-grains for the current year as also for the next year?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): Foodgrains are imported as required. For 1954 the imports are expected to be about one million tons on Government account. For the next year no decision has yet been taken for the quantity to be imported.

Shri T. K. Chaudhuri: May I know what are the specific foodgrains that are being imported, and the countries from which they are mainly imported?

Shri M. V. Krishnappa: For this year, we have imported up till now 2,50,000 tons of wheat, mostly from Australia, and a little quantity from Canada and U.S.A. too, and 6·5 lakhs of tons of rice entirely from Burma. We have allowed imports of rice from Pakistan also to the extent of 25,000 tons; that has not yet come. We have imported from the U.S.A. 8,000 tons of milo.

Shri T. K. Chaudhuri: May I know the reasons for these imports, especially in view of the fact that Government have stated more than once that they have got sufficient food reserves not only for this year, but for several future years to come.

Shri M. V. Krishnappa: All the foodgrains that were imported are not meant for consumption in the country. We have to build up 1½ million tons of reserve in the country, by these imports. We have imported less than a million tons; by the end of this year, we shall have 1½ million tons of reserve with us.

Shri Raghuramaiah: May I know whether Government are aware of the fact that there are considerable surpluses of rice in Andhra, lying unasked for and uncared for, and whether this import policy is not creating a terrific slump in the market, and whether this has been taken into account by Government?

Shri M. V. Krishnappa: I am very happy to say that there is surplus rice in our country today. Once we do not have these imports and build up a reserve, I do not know what will happen to this surplus. If we do not have enough of reserve stock with us, the surplus will go underground.

Shrimati Tarkeshwari Sinha: May I know what Government propose to do with regard to the continued fall in the price of rice, and whether they are thinking of doing something to arrest the decrease in price?

The Minister of Agriculture (Dr. P. S. Deshmukh): May I reply? As the House is aware, we are taking various steps, so far as supporting the prices is concerned, but we cannot embark upon a policy of price support like the U.S.A., but we are trying to do as much as possible to see that a minimum price is assured.

DIESEL CARS

***204. Shri Keshavaiengar:** Will the Minister of **Railways** be pleased to state:

(a) whether Government are aware that the Diesel Cars running between Hyderabad and Bedar Stations have become very popular;

(b) whether Government have any scheme for introducing similar cars on other sectors as well; and

(c) if so, when and in which sectors?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) The Diesel rail car services between Secunderabad and Mohamadabad Bidar and Hyderabad and Warrangal are popular.

(b) Yes.

(c) In December 1954 on the metre gauge section of the Southern Railway and in 1955 on the metre gauge section of the Northern Railway. Also some broad gauge rail cars are likely to be ordered shortly.

श्री केशवैयंगार : क्या हम जान सकते हैं कि इस कार का क्या मूल्य है और क्या यह यहां नहीं बन सकती ?

श्री शाहनवाज खां : इसकी कीमत का अभी मेरे पास कोई सही अन्दाजा मौजूद नहीं है। अगर आनरेबल मेम्बर चाहेंगे तो मैं उनको बाद में बता सकूंगा। अभी तक यह डीजल रेल मोटर हमारे मुल्क में नहीं बनती है। जब हम इसको ठीक तरीके से बना सकेंगे तो इस पर भी जरूर गौर किया जायेगा।

Mr. Speaker: Next question.

Shri Nambiar: One question.

Mr. Speaker: Order, order.

Shri Nambiar: But many cars have come.

Mr. Speaker: Order, order. Next question.

REFRESHER COURSE FOR AGRICULTURAL FARMERS

***205. Shri Sanganna:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether the third refresher course for agricultural farmers is being conducted by the Indian Council of Agricultural Research at Amravati in Madhya Pradesh with effect from the 1st October, 1954; and

(b) if so, how many farmers from each State have taken advantage of this course?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Two refresher courses sponsored by the Indian Council of Agricultural Research for young farmers have been completed and it is understood that a third course has been started from 4th November in anticipation of Council's sanction.

(b) In this particular centre 47 young farmers have received training and 25 have been admitted to the third course. Out of the present batch undergoing training 18 are from Madhya Pradesh and 7 from Khandesh, Bombay State.

Shri Sanganna: May I know what aspects of agriculture are dealt with in this refresher course?

Dr. P. S. Deshmukh: This is a course which has been drafted by the Indian Council of Agricultural Research. It is going on in various centres under the State Governments, in the various parts of the country. It is considered a very suitable course for giving practical training, and some idea of better agricultural practices to the farmers' sons.

Shri Sanganna: May I know what assistance is given to these trainees, after completion of their course, for the spread of their knowledge in the respective areas?

Dr. P. S. Deshmukh: One of the things we propose to do, when these boys are trained in these courses, is to settle them on land, wherever any land is available, if they are landless.

Shri Sanganna: May I know whether this is an annual feature?

Dr. P. S. Deshmukh: This is a six months' course and there can be two courses in a year.

Shri K. K. Basu: May I know whether the trainees are selected from different parts of the country or are restricted to any particular area?

Dr. P. S. Deshmukh: They are confined to the particular States, as far as possible; but, if any boys from the neighbouring States come in they are also admitted.

AGRICULTURAL RESEARCH INSTITUTE

***206. Shri Morarka:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether Government propose to undertake a periodical achievement audit, say every three years, in respect of the Agricultural Research Institutes; and

(b) if so, from what date?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) and (b). The Estimates Committee have made a recommendation to this effect in para. 69 of their Seventh Report which is still under the consideration of Government.

Shri Morarka: May I know when the Government propose to take a decision and whether they are going to have this periodical achievement audit about Agricultural Research Institutes or not?

Dr. P. S. Deshmukh: We will try to expedite our decision as much as possible.

Pandit Munishwar Datt Upadhyay: Does it contain the accounts regarding fees realised from individuals doing research work in the Institutes?

Dr. P. S. Deshmukh: This is a recommendation of the Estimates Committee. As I said, it is under consideration. I could not single out any particular factors and if they are taken into account or not, at this stage.

SUGAR FACTORIES

***210. Pandit Munishwar Datt Upadhyay:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the total number of sugar factories in India at present; and

(b) the total rated capacity with which they are working?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) 159.

(b) The total crushing capacity of 159 factories is 1,37,000 tons of sugarcane per day. Some of these factories with a crushing capacity of about 8,700 tons per day have not been working regularly.

Pandit Munishwar Datt Upadhyay: May I know whether this rated capacity has not been reached in certain mills because there is shortage of sugarcane—raw material—or is it due to any other cause?

Dr. P. S. Deshmukh: Generally speaking, it is due to shortage of sugarcane.

Pandit Munishwar Datt Upadhyay: May I know how far the estimated consumption has exceeded the capacity of our production?

Dr. P. S. Deshmukh: I find it difficult to follow the exact import of the question.

Pandit Munishwar Datt Upadhyay: The actual consumption has exceeded the production that we can have if the rated capacity is achieved. What is the difference between consumption or demand and the supply—the utmost that the mills can produce?

Dr. P. S. Deshmukh: We fall short of the capacity of the plant because of want of sugarcane in that particular area. That is the only reason.

Shri A. M. Thomas: May I enquire whether any final decision has been taken by the Central Government on the application for shifting the only sugar factory in Travancore-Cochin and, if so, what is the decision?

Dr. P. S. Deshmukh: I must ask for notice.

INCIDENCE OF NUTRITIONAL DISORDERS

***210-A. Shri V. P. Nayar:** Will the Minister of **Health** be pleased to state:

(a) whether Government have any machinery to assess the increase or decrease in the incidence of nutritional disorders as a result of poor diet; and

(b) if so, the effect of increased food production in several directions on the incidence of nutritional disorders, maladjustments and consequent diseases?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) Yes. Diet and Nutrition Surveys are carried out from time to time by various State Governments. A pamphlet published by the Indian Council of Medical Research containing a report of work done in 1953 in some States is laid on the Table of the House. [Placed in the Library. *See* No. S. 428/54.]

(b) No planned surveys to assess the effect of increased food production in the country on the incidence of nutritional disorders have as yet been carried out by any of the State Governments.

Shri V. P. Nayar: Going through the pamphlet, I find that there is an appallingly high incidence of a variety of nutritional disorders ranging from mild anaemia to epidemic dropsy. May I know whether, in view of the very tall claims made by the Food Ministry about increased food production, the Government are in a position to inform this House whether this incidence of such nutritional disorders have been checked to any appreciable extent?

The Minister of Health (Rajkumari Amrit Kaur): Nutritional disorders do exist. Wherever it is brought to the notice of the Central Government that special diet is needed we try to provide it. But the hon. Member must realise that nutritional disorders will continue to exist so long as the purchasing power of the people is not sufficient.

Shri V. P. Nayar: May I know what is the estimated nutritional requirement of an average Indian, according to Government calculations and what is the actual consumption calculated in terms of calories in 1953 or 1954 in view of the increased food production claimed?

Rajkumari Amrit Kaur: The actual requirement is much higher than what the people have.

GODOWNS

*212. **Shri Bibhuti Mishra:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the names of the places where food grains Godowns have been erected or are proposed to be erected under the Indo-U.S. Joint Project Agreement; and

(b) the main criteria for the selection of these places?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) An agreement entered into with the United States Technical Co-operation Mission provides for two Silo-*cum*-Elevators with a storage capacity of 10,000 tons each and pre-fabricated metal structures of a total capacity of 50,000 tons. The places that have been selected for erection of these structures are as follows:—

Silo-cum-*Elevators.*

Calcutta 1 Unit of 10,000 tons.

Madhya Bharat (Gwalior) another Unit of 10,000 tons.

Pre-fabricated metal structures.

Calcutta (including Greater Calcutta	10,000 tons.
Assam	5,000 tons.
Tripura	5,000 tons
Cochin	20,000 tons.
Madras	10,000 tons.

(b) In selecting these places account has been taken of the following factors:—

(i) Convenence in studying actual operational experience of Silos which are being set up for the first time both in port area as well as in the interior.

(ii) In regard to pre-fabricated structures also technical operational data will be collected in respect of different centres with different climatic and other local conditions.

(iii) Need for turnover as well as replenishment of stocks in Central Reserve.

(iv) Need for providing accommodation at some places where storage accommodation is hardly available in sizeable proportions.

श्री विभूति मिश्र : क्या सरकार ऐंसे ऐंरियाज में भी गोदाम बनाना चाहती हैं जो डैफीसिट ऐंरियाज हैं, जैंसे नार्थ बिहार ?

Shri M. V. Krishnappa: With the 12 years of our experience under controls, we know where there is a high necessity for this storage, and taking this experience into account we are selecting these places.

श्री विभूति मिश्र : उन क्षेत्रों में जहां अक्सर अकाल पड़ता हैं और बाढ़ आ जाती हैं और जैंसे कलकत्ता, बम्बई या मद्रास आदि स्थानों से

गल्ला मंगाने में काफी देर, दिक्कत और असुविधा होती है, क्या सरकार ऐसे डैफिसिट एरियाज में गोदाम स्थापित करने के सम्बन्ध में सहानुभूतिपूर्वक विचार करेगी ?

कृषि मंत्री (डा० पी० एस० देशमुख) : हां आवश्यकता होगी तो जरूर ख्याल करेंगी ।

CORPORATION FOR DELHI

*213. **Shri Gidwani:** Will the Minister of **Health** be pleased to state:

(a) whether it is a fact that Government have received a memorandum from the Delhi State Government on the proposal for setting up a Corporation for Delhi; and

(b) if so, what is government's decision in this regard?

The Minister of Health (Rajkumari Amrit Kaur): (a) Yes.

(b) The Delhi State Government is opposed to the setting up of a Corporation for Delhi. Delhi is a small urban State and the establishment of a Corporation for Delhi might result in having two overlapping authorities and also an increased financial burden on the public. It has therefore been decided that the question of setting up a Corporation should be considered afresh after the Commission for the Reorganisation of States has reported.

Shri Gidwani: Is it a fact that the Delhi State has opposed the proposals and if so, what are the reasons advanced by them?

Rajkumari Amrit Kaur: The reasons have been stated, that there will be an overlapping of authorities.

Shri Gidwani: Is it a fact that in Delhi city itself, there are a number of local bodies such as the Civil Lines, the Notified Area etc.?

Rajkumari Amrit Kaur: Yes, that is so.

Shri Gidwani: Will it not be proper, more effective and less expensive if we have one Corporation than so many small and separate bodies?

Mr. Speaker: That is entering into an argument.

दूरमुद्रक (टेलीप्रिंटर) का कारखाना

*२१४. **श्री नवल प्रभाकर** : क्या संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि सरकार दूरमुद्रक (टेलीप्रिंटर) बनाने का कारखाना खोलने का विचार कर रही है; और

(ख) यदि हां, तो यह कारखाना कब और कहां खोला जायेगा ?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes. A proposal is under consideration of the Government.

(b) The location of the Factory has not been decided yet. The Factory will be set up as early as possible, after a final decision has been taken.

श्री नवल प्रभाकर : क्या मैं जान सकता हूं कि इस तरह की फैक्टरी का जो निर्माण किया जायेगा तो उस के लिये सर्वे वगैरह कर लिया गया है ?

श्री राज बहादुर : टेलीप्रिंटरों की हमारी वार्षिक कितनी आवश्यकता है, इसका सर्वे किया जा चुका है ।

AIR MAIL

*216. **Shrimati Tarkeshwari Sinha:** Will the Minister of **Communications** be pleased to state:

(a) whether Government propose to start the air-lifting of the second class mail in the near future; and

(b) when the scheme is expected to materialise?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) and (b). The scheme is still under examination.

Shrimati Tarkeshwari Sinha: Can the Government give us an idea of the estimated cost involved in this scheme?

Shri Raj Bahadur: Yes, Sir. If we permit the transmission of second class mail, which is now allowed to be transmitted on payment of surcharge without payment of any surcharge, it will cost us Rs. 85 lakhs volume of second class mail it per annum. If we allow the entire will cost Rs. 2 crores more.

Shrimati Tarkeshwari Sinha: May I know how many towns approximately will be linked by the Air Mail?

Shri Raj Bahadur: As many as are connected by air.

PLANT FOR HELICOPTER IN INDIA

*218. **Shri Radha Raman:** Will the Minister of **Communications** be pleased to state:

(a) whether Government have decided to set up a plant for the production of Helicopter aircraft in India;

(b) if so, the name of the place where it will be located;

(c) what will be its cost of construction; and

(d) how long it will take to accomplish this enterprise?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) No, Sir.

(b) to (d). Do not arise.

Shri N. M. Lingam: May I know the number of Helicopters that Government require for border patrols, pest control and geological survey?

Shri Raj Bahadur: That is a question which concerns more than one Ministry.

Shri Radha Raman: May I know the number of Helicopters which the Government possess just now?

Shri Raj Bahadur: None with the Communications Ministry.

FISHING BOATS

*222. **Shri Bibhuti Mishra:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether Government have purchased three fishing boats from Norway under the Norwegian Aid;

(b) if so, the cost of each boat; and

(c) how far they have been effectively used?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) No.

(b) Does not arise.

(c) Does not arise.

दिल्ली परिवहन सेवा

*२२३. **श्री नवल प्रभाकर :** क्या परिवहन मंत्री १० मई, १९५४ को पूछे गये तारांकित प्रश्न संख्या २३६५ के उतर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या तब से १२ वर्ष तक की आयु के बच्चों के लिये डी० टी० एस० की बसों में किराया कम करने के सम्बन्ध में कोई अन्तिम निर्णय किया गया है; और

(ख) यदि हां, तो यह किस तिथि से लागू किया जायेगा ?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) The Delhi Road Transport Authority has not yet taken a decision in the matter.

(b) Does not arise.

श्री नवल प्रभाकर : क्या मैं जान सकता हूं कि दिल्ली ट्रान्स्पोर्ट अथारिटी की एडवाइजरी कमेटी ने भी इस प्रकार सिफारिश की हैं ?

श्री शाहनवाज खां : यह मसला दिल्ली रोड ट्रान्स्पोर्ट अथारिटी कमिटी की मीटिंग के सामने, जो कि १७ जुलाई को हुई थी, पेश हुआ था लेकिन उन्होंने यह तय किया कि इस का आखिरी फैसला मि० मिरैन्डा, जो कि आफिसर आन स्पेशल ड्यूटी मुकर्रर हुए हैं , की राय पर छोड़ दिया जाय । उन्होंने राय दी हैं कि इस किराये में कोई कमी नहीं होनी चाहिये ।

AGRICULTURAL LABOUR

*224. **Shri Gidwani:** Will the Minister of **Labour** be pleased to state:

(a) whether Government have considered the report of the Socio-economic enquiry conducted in regard to the working and living conditions of the Agricultural Labour relating to the year 1950-51; and

(b) if so, the steps proposed to be taken by Government to bring the rural living to the subsistence level thereby removing the indebtedness of Agricultural Labour?

The Minister of Labour (Shri K. K. Desai): (a) and (b). The Agricultural Labour Enquiry was conducted in three stages, namely, (i) general village survey; (ii) general family survey, and (iii) intensive family survey. The results of the first stage of the Enquiry were published in 1953. The Reports on the second and third stages of the Enquiry are under print. Pending the publication of these Reports a Brochure containing a survey of all the three stages of Enquiry has recently been published. The survey has brought out very clearly the magnitude of the agricultural labour problem, and the important facts that the problem of further employment opportunities for agricultural labourers is as important as that of the fixation of minimum wages. The valuable data contained in the various Reports of the Enquiry will besides assisting the State Government in fixing and revising minimum wages for agricultural labour also assist the Central and State Governments in drawing programmes for agricultural workers and in the formulation of the second Five Year Plan.

Shri Gidwani: Is it a fact that *per capita* income of agricultural labour in India is half of the *per capita* income of an average Indian?

Shri K. K. Desai: It is a little less than half.

Shri Gidwani: May I know whether minimum wages have been fixed for such labour in all the States and whether any report has been received by Government as to the steps taken by the States?

Shri K. K. Desai: As far as fixing of minimum wages is concerned, as I said in reply to another question, it will be fixed in most of the 'C' States and the other States have taken up this question of fixing minimum wages by regions in those States.

Dr. Rama Rao: May I know, in how many States other than 'C' States active steps have been taken to fix minimum wages?

Shri K. K. Desai: About three States have taken active steps—U.P., Bihar and Bombay.

Shri K. K. Basu: May I know whether any time limit has been fixed by which the minimum wages should be fixed in the whole of India?

Shri K. K. Desai: Time limit has been fixed by the statute, but we would have to come before this Parliament again to extend this time limit: obviously, the question of fixing minimum wages for agricultural labour is a very difficult question.

Shri Gidwani: May I know what steps have been taken to remove rural indebtedness?

Shri K. K. Desai: Rural indebtedness concerns not only the agricultural labour but other rural population also. Other Ministries are also taking steps to see whether rural credit can be made available to them.

CONSOLIDATION OF AGRICULTURAL HOLDINGS

*225. **Shrimati Tarkeshwari Sinha:** Will the Minister of **Food and Agriculture** be pleased to state whether Government have issued any directive to the State Governments for the early consolidation of agricultural holdings in the country?

The Minister of Agriculture (Dr. P. S. Deshmukh): No, Sir.

The recommendation in the Plan in this regard was communicated to the State Governments in April, 1953 for necessary action by the Government of India.

Shrimati Tarkeshwari Sinha: Can Government give us an idea of the actions taken so far by various State Governments in this matter and what are the main steps that have been taken?

Dr. P. S. Deshmukh: This is a question with which the State Governments are concerned and they have taken some steps. Legislation for consolidation of holdings, for instance, has been passed in the States of Bombay, Madhya Pradesh, Punjab, U.P., Jammu and Kashmir, PEPSU and Himachal Pradesh. The Delhi State has applied the Punjab Act to its territory. There are also other States which are trying to take action.

DEVELOPMENT OF AIR SERVICES IN NEPAL

*178. **Shri N. M. Lingam** (*on behalf of* **Shri S. N. Das**): Will the Minister of **Communications** be pleased to refer to the answer to starred question No. 72 asked on the 24th August, 1954 and state:

(a) whether any decision has since been taken in regard to the development of Air Services in Nepal; and

(b) if so, the details thereof?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) The matter is still under consideration.

(b) Does not arise.

Shri Anirudha Sinha: Sir, Question 185 stands in the name of three Members whereas you were pleased to call only one name.

Mr. Speaker: We will now take up Question 185.

SUGAR FACTORIES

*185. **Shri Anirudha Sinha:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that there is a proposal to start new sugar factories in India during the current year;

(b) if so, the names of the places where these factories would be located.

(c) by what time the factories are likely to start; and

(d) what will be the expected increase in the production of sugar with the opening of these factories?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Yes.

(b) A statement giving the required information is laid on the Table of the House. [*See* Appendix I, annexure No. 55.]

(c) Out of 23 new factories (including two refineries) for which licences have been granted, one is expected to start working in 1954-55 season three in 1955-56 season and the rest in 1956-57.

(d) 3 lakh tons a year.

श्री अनिरुद्ध सिंह : क्या मैं जान सकता हूं कि पंजाब, बम्बई और मैसूर राज्यों में सहयोग समितियों को सहकारिता के आधार पर चीनी की कलें खोलने की इजाजत दी गई हैं ?

डा० पी० एस० देशमुख : जी हां, अगर मेम्बर साहब का मतलब यह है कि लाइसेन्स दिये गये हैं तो मैं बतला सकता हूं कि मैसूर में एक और पंजाब में दो आर्गेनाइजेशन्स को इस की इजाजत देने का हमारा इरादा है ।

श्री अनिरुद्ध सिंह : अभी तक इस सम्बन्ध में कितनी पूंजी इकट्ठी हो सकी है तथा सम्बद्ध राज्यों का उस में क्या हिस्सा है ?

डा० पी० एस० देशमुख : यह इन्फार्मेशन तो मेरे पास इस वक्त नहीं है लेकिन मालूम होता है कि इतनी पूंजी इकट्ठी हो गई है जिस में कि हम लाइसेन्स दे सकें ।

Shri Gadilingana Gowd: May I know whether the Bellary Co-operative Stores have applied for licence to have a refinery in Bellary District, and if so, the action taken on it?

Dr. P. S. Deshmukh: I think licence has been recommended; it is the Bellary Central Co-operative Stores, Bellary.

Shri K. K. Basu: May I know whether in granting such licences to new factories, the adequacy of sugarcane supply has been taken into consideration?

Dr. P. S. Deshmukh: Yes, Sir; that is a very relevant factor.

Shri Raghavachari: May I know whether the Government is prepared to consider sympathetically applications for formation of co-operative sugar factories in Anantapur District of Andhra State?

Dr. P. S. Deshmukh: There are two applications which have been granted and they are: Lakshmi Narayan Sugar Limited and V.V.S. Sugar Limited.

Dr. Rama Rao: In view of the fact that we are importing sugar to the extent of Rs. 52 crores, what assistance Government is going to give to sugar factories in areas where both sugarcane and sugar yield are very high in the south?

Dr. P. S. Deshmukh: We have invited applications and the Central Government is prepared to assist according to a certain formula the various new undertakings.

WRITTEN ANSWERS TO QUESTIONS

TOURISTS VISITING INDIA

***179. Sardar Hukam Singh:** Will the Minister of Transport be pleased to state:

(a) the number of tourists who visited India from the 1st January to the 30th October, 1954; and

(b) the total amount of foreign exchange earned thereby during this period?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) 31,858.

(b) The information is not yet available.

CATERING ON RAILWAYS

***183. Shri T. B. Vittal Rao:** Will the Minister of Railways be pleased to refer to the answer to starred question No. 391 asked on the 1st September, 1954 and state:

(a) whether the Committee appointed to examine the catering system on railways has since submitted its report; and

(b) if so, whether Government propose to lay a copy of the same on the Table of the House?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes.

(b) Ten copies of the report have already been placed in the library of the House.

TRANSPORT FACILITIES IN FLOOD-AFFECTED AREAS

***186. Shri D. C. Sharma:** Will the Minister of Railways be pleased to state the facilities provided to the flood-affected people all over India in transporting the paddy seedlings?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): The following facilities were provided for the transport of paddy seedlings to flood affected areas in North Bihar:—

(i) Movement by brakevans of passenger trains;

(ii) Provision of Special Parcel vans by passenger trains on sections on which the volume of traffic in paddy seedlings called for such additional transport;

(iii) Concession rate of 1/4th the tariff rate with full terminals.

No specific requests for facilities for the transport of paddy seedlings to other flood affected areas were received by Government.

RAILWAY COACHES

*190. **Pandit S. C. Mishra:** Will the Minister of Railways be pleased to state:

(a) whether a scheme for the new design of metre-gauge third class coaches is under consideration of Government;

(b) if so, whether any help of foreign experts is also sought in this matter;

(c) whether these coaches are to be manufactured in India; and

(d) if so, to which firm the Contract has been given for their manufacture?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) Yes.

(b) No.

(c) Yes.

(d) No contract has yet been placed but it is likely to be placed with Hindustan Aircraft Ltd.

RAILWAY FREIGHT

*195. **Shri Heda:** Will the Minister of Railways be pleased to state:

(a) whether there is a proposal before Government to fix the maximum limit in mileage for purposes of freight; and

(b) if so, what is the proposed limit?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No, Sir, Maxima rates per maund have, however, been already prescribed for goods traffic chargeable at class rates and for coal.

(b) Does not arise.

TUBE-WELLS

*198. **Shri Karni Singhji:** Will the Minister of Food and Agriculture be pleased to refer to the reply given to unstarred question No. 362 on the 20th August, 1953 and state whether Government have examined the financial implications of the scheme for sinking tube-wells on either side of the Bikaner Canal near Ferozepur Headworks to augment supplies of water when ordinarily the supply of water in the river is less during the summer months?

The Minister of Agriculture (Dr. P. S. Deshmukh): No, Sir. The Government of Rajasthan have not so far shown keenness to proceed with the proposal.

JUTE AND SUGARCANE PRODUCTION

*199. **Shri Ibrahim:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether the target of production of jute and sugarcane will be achieved in time as specified in the Five Year Plan; and

(b) if not, the main reasons therefor?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) That is the expectation.

(b) Does not arise

INTERNATIONAL RICE COMMISSION

*208. **Shri S. N. Das:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that India participated in the meetings of the

International Rice Commission held in Tokyo in 1954;

(b) if so, the main subjects discussed there;

(c) the contribution that India made to the discussion; and

(d) the decisions taken by the Commission for implementation by the participating countries?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Yes.

(b) Among the main subjects discussed were—Rice Breeding, manuring of rice with special emphasis on the use of fertilisers, soil-water-plant relationship, problems of mechanisation of rice production reducing losses in rice through improved operational method nutritional aspects and the use of rice fields for fish culture.

(c) and (d). A statement is placed on the Table of the House. [*See* Appendix I, annexure No. 56.]

INTERNATIONAL PHILATELIC SYMPOSIUM

***209. Sardar Hukam Singh:** Will the Minister of Communications be pleased to state the conclusions arrived at in the International Philatelic Symposium organised recently in Delhi in connection with the Stamp Centenary?

The Deputy Minister of Communications (Shri Raj Bahadur): Papers were read by eminent philatelists personally or on their behalf and points of interest were discussed without arriving at any definite conclusions. The papers in question are being printed in the form of a book and will be released on sale.

LOCK OUT IN PURE DHANSAR COLLIERY BIHAR

***211. Shri T. B. Vittal Rao:** Will the Minister of Labour be pleased to refer to the reply to starred question No. 1514 asked on the 30th September, 1954 and state:

(a) whether any prosecution has been launched against the management of Pure Dhansar Colliery, Bihar for non-payment of bonus since 1949; and

(b) if so, whether Government propose to work the mines in view of shortage of coal in the country?

The Minister of Labour (Shri K. K. Desai): (a) Yes.

(b) No.

IRON AND STEEL COMMITTEE OF THE I.L.O.

***215. Th. Jugal Kishore Sinha:** Will the Minister of Labour be pleased to state the nature of the decisions taken at the meeting of the Iron and Steel Committee of the International Labour Organisation held at Geneva in the second week of October, 1954?

The Minister of Labour (Shri K. K. Desai): A statement summarising the information required is laid on the Table of the House. [*See* Appendix, I, annexure No. 57.]

CONCESSION TICKETS

***219. Sardar Hukam Singh:** Will the Minister of Railways be pleased to state:

(a) whether the Railway Board granted concession return journey tickets to the philatelists visiting the International Philatelic Exhibition in New Delhi;

(b) if so, what was the concession given; and

(c) the number of persons who have availed of this concession?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) Yes, Sir.

(b) Return tickets in II, Inter and III classes were issued to Delhi and New Delhi from places over 200 miles distant at 1½ single journey fares from 1st to 31st October, 1954.

(c) Information is being collected and will be placed on the Table of the House in due course.

DELHI IMPROVEMENT TRUST

***220. Shri S. N. Das:** Will the Minister of **Health** be pleased to state:

(a) the nature of curtailment recently made by the Government of India in the power exercised by the Delhi State Government with regard to the Delhi Improvement Trust and the New Delhi Municipal Committee;

(b) the reasons for this curtailment; and

(c) whether any correspondence has passed between the Central and the State Government on the subject?

The Minister of Health (Rajkumari Amrit Kaur): (a) No curtailment has been made in the powers exercised by the Delhi State Government with regard to the Delhi Improvement Trust and the New Delhi Municipal Committee except that the Chief Commissioner, Delhi is now required to make a prior reference to the Government of India in respect of certain important matters concerning the Delhi Improvement Trust and the New Delhi Municipal Committee.

(b) For administrative convenience.

(c) No.

ACCIDENT IN UNION ANGARPATHRA COLLIERY

***221. Shri T. B. Vittal Rao:** Will the Minister of **Labour** be pleased to refer to the reply to starred question No. 1553 asked on the 30th September, 1954 and state:

(a) whether any prosecution has been launched against the management and proprietor of the Union Angarpathra Colliery, Jharia for contravening the provisions of the Mines Act, 1952 and the Indian Coal Mines Regulations, 1926; and

(b) if so, whether the Manager has been suspended, pending the results of the prosecution?

The Minister of Labour (Shri K. K. Desai): (a) Criminal proceedings have been instituted against the manager of the mine. Individual Directors of Messrs. Williamson Magor and Co., Ltd. acting as the managing agents of the mine have been asked to show cause why proceedings should not be instituted against them for the contravention of certain sections of the Mines Act, 1952 and Indian Coal Mines Regulations, 1926. Further action will be taken in due course.

(b) No.

MARINE FISH

175. Shri V. P. Nayar: Will the Minister of **Food and Agriculture** be pleased to state:

(a) the estimated percentage of marine fish hauled in India and sold after being kept in cold storages in the years 1950-51 and 1953-54; and

(b) the quantity of fish handled by the Indian Railways in 1953-54 under cold storage in transit?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Figure of marine fish hauled and kept in cold storage during the years 1950-51 and 1953-54 is not available. It is estimated to be negligible. The cold storage of fish is handled by private enterprise.

(b) No fish traffic was carried in cold storage on Indian Railways during 1953-54. On the Western Railway, however, 25,343 maunds of fish were carried in that year in insulated compartments provided in luggage-cum-brake vans.

NEW RAILWAY LINES

176. Shri Anirudha Sinha: Will the Minister of **Railways** be pleased to state:

(a) whether the Government of Bihar had sent some proposals for construction of new railway lines in Bihar during the Plan period; and

(b) if so, the names of places where new railway lines will be constructed?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes, Sir.

(b) It has not been possible to

take up any of these proposals for construction in the 1st Plan Period.

RAILWAY MILEAGE

177. **Sardar Iqbal Singh:** Will the Minister of **Railways** be pleased to state:

(a) the total mileage of Railway lines in each State; and

(b) the proportion of Railway mileage to the area of each State?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). Statistics of railway mileages for each railway administration are collected and published annually in the Report of the Railway Board on Indian Railways Volume II—Statistics, but State-wise statistics are not maintained. Attention of the hon. Member is however, drawn to the data specially collected and supplied in answer to Unstarred Question No. 508 for 10th December, 1952 by Shri R. N. S. Deo in the Lok Sabha.

GHAT SERVICE

178. **Shri S. N. Das:** Will the Minister of **Railways** be pleased to state:

(a) the present ferry capacity of Mokameh, Bhagalpur and Digha ghats on the N. E. Railway;

(b) whether proposals for the increase in the capacity of these *ghats* have been considered;

(c) if so, with what effect;

(d) how far these *ghats* have been able to serve to their full capacity during the last five years; and

(e) what increase in the ferry capacity of these *ghats* will be necessary in order that these *ghats* may be able to cater to the needs of North Bihar so far as coal, cement, stone and iron are concerned?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a)—

(i) Mokamehghat .. 116 Broad gauge wagons per day.

(ii) Bhagalpurghat ... 30 Broad gauge wagons per day.

(iii) There is no arrangement for movement of through goods traffic *via* Dighaghat.

(b) Yes.

(c) and (d). The particulars of the quotas fixed in keeping with the anticipated capacity from time to time and the average daily tranships ments are shown below:—

Tranship ment points	Year	Capacity (Quota)	Actual average daily transhipment
Mokameh-ghat	1950	113	69·1
	1951	119	100·7
	1952	110 to 136	105·0
	1953	136 to 121	120·1
	1954*	135 to 115	108·9
Bhagalpur-ghat	1950	24	15·1
	1951	30	25·7
	1952	30 to 42	30·9
	1953	39	28·4
	1954*	39 to 30	20·9

The performance is subject to the vagaries of the river Ganga.

(e) The capacities of Mokamehghat and Bhagalpurghat are far inadequate to meet fully the overall requirements of the transhipment traffic to be moved from Broad to Metre gauge not only for North Bihar but also for the other States served by these routes. Movements by the other routes have been stepped up to improve the position as far as feasible. The real solution is the construction of the Ganga Bridge, which is in hand, in order to ensure adequate and regular movements, unaffected by the vagaries of the river.

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†The deterioration in 1954 was due to exceptionally adverse river conditions from January to July.

IDLE SUGAR FACTORIES

179. Sardar Hukam Singh: Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that the Sugar Industry in the country is not working to its full installed capacity;

(b) the number of factories lying idle for the last five years; and

(c) the main reasons which led these factories to remain idle?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Yes.

(b) and (c). A statement giving the required information is laid on the Table of the House. [*See* Appendix I, annexure No. 58.]

मोटर गाड़ियां

१८०. **श्री एम० एल० द्विवेदी :** क्या परिवहन मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि बायीं ओर से चलाई जाने वाली मोटर गाड़ियों के दाम दायीं ओर से चलाई जाने वाली मोटर गाड़ियों के दाम की अपेक्षा कम होते हैं ;

(ख) यदि हां, तो दोनों के मूल्यों में कितना अन्तर है ;

(ग) इस बात को ध्यान में रखते हुये कि बायीं ओर से चलाई जाने वाली गाड़ी के दाम, दायीं ओर से चलाई जाने वाली गाड़ी के दामों से कम होते हैं, सरकार को यह सुझाव दिया गया है कि देश में सड़क के बायीं ओर चलने के स्थान में दायीं ओर चलने की प्रथा चलाई जाय; और

(घ) संसार में ऐसे कितने देश हैं जहां गाड़ियां सड़क के दाहिनी ओर चलाने का नियम है और क्या इससे उन्हें कोई लाभ हुआ है ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) The price of motor vehicles with left hand drive is less than that of those with right hand drive manufactured in countries where the traffic rule is 'keep to the right'. This is not due to any technical reason. In such countries, production is geared for vehicles with left hand drive. The production of right hand drive vehicles is a debiation from the normal line and because of the comparatively lower demand for such vehicles in those countries the cost is higher.

(b) This depends mostly upon the type and make of vehicle and often on the number produced under each category.

(c) No.

(d) A list of the names of countries known to observe the traffic rules of 'keep to the Right' and 'keep to the Left' is attached. [*See* Appendix I, annexure No. 59.] The list is not exhaustive. The Government of India are not aware if the countries observing the rule of 'keep to the Right' have derived any advantage from it.

MANURES

181. Shri V. P. Nayar: Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that large quantities of manures are burnt in India as fuel;

(b) if so, what is the estimated quantity so burnt annually; and

(c) what steps Government have taken or propose to take to save these manures for enriching soil?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) The hon. Member is presumably referring to cow-dung. If so, the reply is in the affirmative.

(b) About 72·3 million tons or 50 per cent. of the total production of dung on dry weight basis.

(c) The following measures have already been taken:—

(1) Propaganda and demonstration have been undertaken through posters

and pamphlets by the State Governments to educate and convince the cultivators of the manurial value of dung.

(2) Financial assistance was being given to the State Governments from 1944-45 to 1950-51 for encouraging the preparation of compost manure in rural areas from materials which consist mainly of cow-dung.

(3) Plantation of quick growing fuel trees in rural areas for increasing fuel resources of the country.

(4) Trials are being conducted for the production of combustible gas from cow-dung and other organic wastes. On the basis of these trials a cheap and efficient model of gas plant suitable for villages has been designed for adoption on a large scale.

RAILWAY COACHES

182. Shri Madhao Reddi: Will the Minister of **Railways** be pleased to state:

(a) the total number of coaches manufactured in the country during the period from the 1st April to the 30th September, 1954;

(b) the names of the factories manufacturing Railway Coaches and their annual production capacity;

(c) the total number of coaches imported during the same period;

(d) whether import of passenger coaches in recent years is on the increase; and

(e) if so, the steps taken to increase the indigenous production?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) 392 Coaches.

(b) A statement giving the information is placed on the Table of the House. [*See* Appendix I, annexure No. 60.]

(c) 58 unfurnished coaches.

(d) There is a temporary increase in deliveries from old orders. A Statement of orders placed during the past 5 years is placed on the Table of the House. [*See* Appendix I, annexure No. 61.]

(e) Steps have already been taken to expand production in Railway Workshops and through contract. The Integral Coach Factory will start production in 1955.

IMPORT OF AIRCRAFT

183. Shri D. C. Sharma: Will the Minister of **Communications** be pleased to state:

(a) the number, type and capacity of new aircraft imported for the two Air Corporations in 1954; and

(b) the cost of these aircraft?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) The Indian Airlines Corporation did not import any aircraft in 1954. The All India International Corporation imported two Lockheed Super Constellation aircraft, type 1049-C in 1954. These aircraft, which have been converted to joint Standard and Tourist configuration, can carry up to 71 passengers, (40 Tourist and 31 Standard) in addition to cargo and mails.

(b) The cost of the two aircraft imported by the Air India International Corporation with spare engines, power plants and other parts was approximately Rs. 304 lakhs.

RAILWAY PORTERS

184. Shri D. C. Sharma: Will the Minister of **Railways** be pleased to state the various amenities provided to the licensed railway porters on the Indian Railways?

The Deputy Minister of Railways and Transport (Shri Alagesan): The licensed railway porters working on the Indian Railways are generally given 2 sets of uniforms per year consisting of 2 shirts. They are also given free out-door medical treatment at Railway Hospitals and dispensaries. Badges and buckles are also supplied to them against a small refundable security deposit.

They are required to pay a small licence fee which is worked on a "no profit no loss" basis, and is intended to cover the cost of uniforms supplied and the cost of supervisory staff that may be appointed.

They enjoy security of tenure as long as their work is satisfactory.

They are also paid reasonable remuneration for any railway work they are required to undertake.

The foregoing is the general position that prevails, with the exception of certain stations at which the decasualisation scheme has not yet been implemented.

RADIOPHONE SERVICE

185. **Dr. Ram Subhag Singh:** Will the Minister of **Communications** be pleased to state:

(a) the number of places where radio-phone service has been introduced; and

(b) by what time Government expect to introduce this system in big cities of the country?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) 43.

(b) The matter is under consideration.

CONTRIBUTORY HEALTH SCHEME

186. **Th. Lakshman Singh Charak:** Will the Minister of **Health** be pleased to state:

(a) the number of doctors including lady doctors who have been appointed under the Contributory Health Scheme in each of the Centres;

(b) the number of other staff, i.e. compounders, nurses, peons etc;

(c) whether the present staff is sufficient to cope with the requirements of the patients;

(d) whether the old system of reimbursement is still in force; and

(e) if so, to what section or class of employees it is applicable?

The Minister of Health (Rajkumari Amrit Kaur): (a) and (b). A statement showing the information required is placed on the table of the House. [*See* Appendix I, annexure No. 62.]

(c) For the present, yes.

(d) and (e). The old system of reimbursement is applicable to all Central Government servants who reside outside the limits of the New Delhi Municipal Committee, the Delhi Municipal Committee, the Notified Area Committee, Civil Station, Southern New Delhi, Fort and Delhi Cantonment.

DIESEL RAIL-CARS

187. **Shri Gidwani:** Will the Minister of **Railways** be pleased to refer to the reply to starred question No. 1088 asked on the 17th September, 1954 and state:

(a) whether there is any proposal to introduce Diesel rail-cars on metre-gauge Sections of Railways other than Northern Railway;

(b) if so, which are those Sections;

(c) by what time this proposal will materialise; and

(d) the amount sanctioned for this purpose during 1954-55?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes, on the Southern Railway.

(b) Trichinopoly—Lalgudi.

Trichinopoly — Pudukottah—Karaikudi, and Trichinopoly-Mayavaram, Sections.

(c) Sometime in December, 1954.

(d) Rs. 37,20,000 has been sanctioned for expenditure on 24 metre gauge rail cars.

GODOWNS

188. **Shri Magan Lal Bagdi:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the total amount allotted for the construction of Food Reserve Godowns under the Five Year Plan;

(b) the amount spent up to the 30th September, 1954;

(c) the number of godowns constructed and the total capacity of these godowns;

(d) whether it is a fact that the construction work has been very slow; and

(e) if so, the reasons therefor?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) In pursuance of plementation of the Scheme by the end the end of February, 1954 to maintain a Central Reserve of Foodgrains, a Scheme for construction of Reserve Godowns covering both surplus and deficit areas has been drawn up and an expenditure of Rs. 10 crores has been approved in principle for the implementation of the Scheme by the end of March, 1956.

(b) Actual expenditure incurred upto 30th September, 1954 is negligible, as hardly any expenditure has been incurred in the initial stages of the implementation of the Scheme.

(c) No godowns have yet been constructed under this Scheme and the total capacity of the godowns when constructed will be about 13 lacs tons.

(d) The answer is in the negative. For the implementation of the Scheme for long term storage of foodgrains in the Central Reserve, Centres and sites have to be selected very carefully after getting necessary technical advice from competent authorities *e.g.* Central Public Works Department, State Governments and others and plans can be drawn up only after selection of sites is over. The progress of implementation of this Scheme in all its aspects *viz.* selection of sites, acquisition of the same. arrangements for supply of materials is being closely watched and all possible efforts are made to complete construction at the earliest possible date within the target of the period ending March, 1956.

(e) Does not arise.

राजस्थान का रेगिस्तान

१८९. **श्री एस० एन० दास :** क्या खाद्य तथा कृषि मंत्री यह बताने की कृपा करेंगे :

(क) क्या सरकार ने राजस्थान की मरुभूमि में वृक्षारोपण के सम्बन्ध में सलाह देने के लिये खाद्य और कृषि संगठन के किसी विशेषज्ञ को नियुक्त किया है ;

(ख) यदि हां, तो उस की नियुक्ति के निबन्धन और शर्तें क्या हैं ; और

(ग) उसने इस सम्बन्ध में कैसी सिफारिशें की हैं ?

The Minister of Agriculture Dr. P. S. Deshmukh): (a) Yes.

(b) He has been assigned to us by the F.A.O. for three months on the following terms and conditions:—

(i) Payment of local living costs @ Rs. 25 per day for the duration of his assignment;

(ii) exemption from payment of income-tax on local living costs;

(iii) assistance in finding living quarters upon requests;

(iv) actual transportation charges while on official travel in India outside headquarters authorised by Government including initial travel from New Delhi to Jodhpur and back to New Delhi on return. He will be entitled to single air fare or first class railway fare plus actual taxi and incidental charges from residence to airport or railway station and back plus taxi fare not exceeding Rs. 20 per diem at places of halt outside headquarters.

(v) provision of adequate office facilities, office equipment and supplies, official communication charges including cost of telegrams, telephone calls on official business while on tour;

(vi) provision of such technical and secretarial assistance, translator and interpreter services and related assistance as may be required for discharge of his duties; and

(vii) provision of such medical services and facilities as are available to the Civil servants of Government.

(c) He has not made any recommendation so far.

RAILWAY LOCOMOTIVES

190. **Shri Sadhan Gupta:** Will the Minister of Railways be pleased to state:

(a) the number of steam railway engines ordered from the Hamilton Corporation of U.S.A.; and

(b) the price of each such engine?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). Government have no information. The decision for placing orders rests with the United States Technical Co-operation Mission authorities.

PASSES FOR RAILWAY EMPLOYEES

191. **Pandit D. N. Tiwary:** Will the Minister of Railways be pleased to state:

(a) whether any permanent passes are issued to railway employees; and

(b) if so, whether employees in whose favour the passes are issued, are required to attest their signatures and to give their photos?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) For journeys on duty, railway employees are issued either cheque or card or metal passes. Cheque passes are valid for individual journeys. Card passes are available for specific periods, usually one year. Metal passes are issued to officers and are retained and used by them so long as they hold their posts.

For railway employees travelling on privilege account, a limited number of cheque passes per year are issued, each pass being valid only for one journey from and to the stations specified thereon.

(b) Railway employees are not required to attest their signatures and give their photographs on the passes issued to them.

RAILWAY ACCIDENTS

192. **Pandit D. N. Tiwary:** Will the Minister of Railways be pleased to state:

(a) the number of deaths on the Railways due to the following causes during the period from the 1st January to the 31st October, 1954:—

(i) falling from roofs;

(ii) injuries by the shade covers of platforms;

(iii) falling from footboards;

(iv) run over by engines either in station-yard or outside; and

(b) the success achieved in preventing people from travelling on roofs and footboards?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) A statement giving the required information is attached. [*See* Appendix I, annexure No. 68.]

(b) Necessary preventive measures have been adopted by Railways and they have reported some success in this direction.

INDIAN POSTAL SYSTEM

193. **Shri Krishnacharya Joshi:** Will the Minister of Communications be pleased to state:

(a) the total number of mileage covered by Indian Postal System in 1953; and

(b) how many miles were covered by runners up to the 31st December, 1953?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Total mileage of routes covered by Indian Postal System as on 31st March, 1953—2,07,447 miles and on 31st March, 1954—2,20,076 miles.

(b) Mileage covered by runners upto 31st December, 1953 is 87054 miles.

AMOUNT FOR PASSENGER AMENITIES

194. **Shri Dabhi:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that the annual amount allotted for passenger amenities on the Western Railway during the year 1953-54 has not been fully spent;

(b) whether it is also a fact that out of the amount spent during 1953-54, a substantial portion has been spent on the construction of new stations or the re-modelling of old ones; and

(c) if the answers to parts (a) and (b) above be in the affirmative, the reasons therefor?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) to (c). The amount allotted for passenger amenities on Western Railway during the year 1953-54 and the amount actually spent was furnished to the Hon'ble Member in reply to Unstarred Question No. 330 on 10th September 1954.

No amount was spent on the construction of new stations. Out of the actual expenditure of 39·08 lakhs on passenger amenity works, a sum of Rs. 18·34 lakhs represents that part of the expenditure on re-building or re-modelling of existing station buildings which was incurred on provision of passenger amenities, such as, provision of or extensions to the waiting halls, covering of platforms, provision of or improvements to Upper Class Waiting Rooms, provision of retiring rooms, extension or raising of platforms, provision of improved type latrines, asphalting platforms, approach roads, circulating areas and benches etc.

The full amount of funds allotted could not be spent due mainly to the delay in the finalisation of the detailed plans and estimates and delay in the receipt of materials.

NATIONALISATION OF ROAD TRANSPORT

195. **Shri Bibhuti Mishra:**
Shri Ibrahim:
Shri Tushar Chatterjea:

Will the Minister of **Transport** be pleased to state:

(a) whether it is a fact that the Government of India have directed the State Governments to refrain from nationalisation of Road Transport till 1961; and

(b) if so, the reason therefor?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) The Planning Commission have advised the State Governments that schemes for nationalisation of road freight services will not be considered for inclusion in the Plan until 1961 *i.e.* the end of the Second Five Year Plan. State Governments desiring to nationalise passenger services have been advised that they should prepare phased programmes for consideration by the Planning Commission for inclusion in the Plan defining clearly the areas of proposed nationalisation up till 1960-61.

(b) The main objective behind the recommendations is that the limited resources of the State Governments should be conserved for financing projects of a more important nature and also to leave the development of enterprises such as road transport to the private sector where necessary finance is likely to be forthcoming provided favourable conditions are created for such development.

MEDIUM AND LONG TERM LOANS

196. **Shri C. R. Chowdary:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the total amount of medium and long term loans allotted so far to the Andhra State by the Central Government and the Reserve Bank of India for distribution to farmers during the year 1954-55; and

(b) what amount has been utilized by the Andhra State up-to-date?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Rs. 20 lakhs have been allocated by the Central Government under Special medium and Long Term loan. As far as the Government of India are aware, no allotment has been made by the Reserve Bank of India so far.

(b) No amount has so far been sanctioned or utilised. The proposals of the Andhra Government are under examination at present.

PISCICULTURE

197. Shri S. C. Samanta: Will the Minister of **Food and Agriculture** be pleased to state:

(a) the amount spent by the Central Government to encourage pisciculture in India during the last five years;

(b) the names of the States that have started pisciculture;

(c) the nature of assistance they are receiving from the Central Government;

(d) the arrangements made to collect good fry of different kinds of fish; and

(e) whether it is a fact that the price of fish has come down recently?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) and (b). A statement showing the assistance given to State Governments by the Central Government under its Grow More Food (Fisheries) Schemes is laid on the Table of the House. [*See* Appendix 1, annexure No. 63.]

(c) Apart from financial assistance help is given by way of technical advice, supply of fish seed providing road transport facilities etc.

(d) Technical advice and help is given to State Governments whenever required, in surveying their resources of fish fry.

In the meantime, the Central Island Fisheries Research Station arranges to supply fry of selected species of carps to State Governments.

(e) Yes, to some extent.

रेलवे कर्मचारी

१९८. सेठ गोविन्द दास : क्या रेलवे मंत्री यह बताने की कृपा करेंगे :

(क) ३१ अक्टूबर, १९५४ को विभिन्न रेलों पर टिकट चेक करने वाले कर्मचारियों की संख्या कितनी थी;

(ख) उनमें से कितने ऐसे हैं जो चलती गाड़ी में काम नहीं करते ; और

(ग) क्या कारण है कि गाड़ियां चलाने वाले कर्मचारियों को मील के अनुसार भत्ता मिलता है जबकि टिकट चेक करने वाले कर्मचारियों को केवल दैनिक भत्ता ही दिया जाता है ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). A statement is attached. [*See* Appendix I, annexure No. 64.]

(c) The Running staff are given mileage allowance as they perform duties directly connected with the charge of moving trains. The Ticket Checking staff do not perform such duties, but only check tickets, either at stations or on running trains.

बाढ़ के कारण क्षतिग्रस्त पुल

१९९. सेठ गोविन्द दास : क्या रेलवे मंत्री यह बताने की कृपा करेंगे :

(क) सितम्बर तथा अक्टूबर १९५४ में अत्यधिक वर्षा के कारण कितने पुलों को क्षति पहुंची ; और

(ख) उनकी मरम्मत पर कितना खर्च होने का अनुमान है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेसन): (क) और (ख) रेलवे प्रशासनों से सूचना मांगी जा रही हैं, मिलने पर यथाशीघ्र सदन में रखी जायगी ।

RAILWAY LANDS

200. Shri Jethalal Joshi: Will the Minister of **Railways** be pleased to state:

(a) how many acres of land have been acquired for the re-alignment near Bhaktinagar station at Rajkot; and

(b) what is the amount of compensation paid to the owners of land?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) 92 acres.

(b) Rs. 1,55,000 approximately.

SUGAR CONSUMPTION

201. Shri Bishwa Nath Roy: Will the Minister of **Food and Agriculture** be pleased to state whether the consumption of sugar had increased during the period from the 1st April to the 30th September, 1954 as compared to that in the corresponding period of the last year?

The Minister of Agriculture (Dr. P. S. Deshmukh): Yes. The off-take of indigenous sugar from mills and of imported sugar from ports during the period from 1st April, to 30th September, 1954, was about 56,000 tons more than that in the corresponding period of the previous year.

TUBE-WELLS IN ORISSA

202. Shri Sarangadhar Das: Will the Minister of **Food and Agriculture** be pleased to state:

(a) the total number of tube-wells to be sunk in Orissa State during 1954-55;

(b) the total amount allotted for this purpose; and

(c) how much amount has already been spent?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) None.

(b) and (c). Do not arise.

JUTE CULTIVATION IN ORISSA

203. Shri Sarangadhar Das: Will the Minister of **Food and Agriculture** be pleased to state:

(a) the average yield of Jute per acre in Orissa state in 1953-54;

(b) whether the yield is on the increase as compared with the figures of 1951-52 and 1952-53;

(c) whether there is any improvement in quality over the previous years; and

(d) what steps are being taken to improve the quality?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) About 2·20 bales per acre.

(b) No.

(c) Not yet.

(d) The State Government are taking the following steps for improving the quality of jute:—

1. Distribution of jute seeds of improved strains.
2. Construction of retting tanks.
3. Introduction of improved methods of jute cultivation (such as line-sowing and weeding by seed-drills and wheel-hoes) and improved methods of retting, extraction and preparation of fibre.

CONFERENCE ON ROAD TRANSPORT ORGANISATION

204. Shri Magan Lal Bagdi: Will the Minister of **Transport** be pleased to state:

(a) the names of the States which were represented at the Conference of the Heads of State Transport undertakings held at Hyderabad on the 18th and 19th October, 1954; and

(b) the decisions taken at the Conference?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) All Part A and B States, excepting Andhra and Assam, the State of Himachal Pradesh and Jammu and Kashmir were represented at the Conference.

(b) The Conference considered a large number of problems connected with day to day operation and relations with labour. The proceedings of the Conference will be placed in the Library of Parliament as soon as they are finalised.

TRANSPORT FACILITIES

205. Shri R. K. Chaudhuri: Will the Minister of **Railways** be pleased to state:

(a) whether any steps have been taken to have Ranaghat-Golokganj Line available for through transport of passengers and goods from Ranaghat to Assam at least for the period of dislocation on the Assam Rail Link; and

(b) whether any request has been made to the Pakistan Government for this purpose?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). No. Traffic from Ranaghat to Golokganj constitutes cross-traffic over E. B. Railway (Pakistan), the booking of which is not permitted. Arrangements were made to despatch goods and parcel traffic held up due to dislocation of Assam Rail Link by rail-*cum*-river route. The link was restored on 13th November 1954.

PUBLIC CALL OFFICE AT SUGWARA

206. Shri Bheekha Bhai: Will the Minister of **Communications** be pleased to state:

(a) the time by which a Public Call Office will be established at Sugwara; and

(b) the reason for its delay in setting up a Public Call Office there?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) and (b). The Ex-State line between Banswara and Dungarpur requires reconstruction before a telephone trunk pair can be erected to open a P.C.O. at Sagwara which is an intermediate station. The work is likely to be taken up during the next financial year.

P. AND T. OFFICES FOR RAJASTHAN

207. Shri Bheekha Bhai: Will the Minister of **Communications** be pleased to state:

(a) the number of post offices, telegraph offices, combined post and telegraph offices and telephone offices proposed to be opened during the current financial year in Rajasthan; and

(b) the places where they will be opened?

The Deputy Minister of Communications (Shri Raj Bahadur): (a)—

Post Offices	420
Departmental Telegraph Offices .	Nil
Combined P. & T. Offices . .	40
Public Call Offices . . .	28

(b) The list of the combined offices and public call offices already opened is placed on the Table of the House. [*See* Appendix 1, annexure No. 65.]

The places at which new offices would actually be opened during the rest of the year will be known only after the cases are examined.

TELE-COMMUNICATIONS

208. Shri Bheekha Bhai: Will the Minister of **Communications** be pleased to state:

(a) whether Banswara has been connected with Ratlam on one side and with Udaipur on the other by a permanent telephone line; and

(b) if not, when the work will be completed?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) No.

(b) Ratlam—Banswara work is in progress and is likely to be completed by 31st December, 1954. As regards Banswara-Udaipur, the Ex-State line between Banswara and Dungarpur requires reconstruction which is likely to be taken up during the next financial year.

TELEPHONES IN BANSWARA DISTRICT

209. Shri Bheekha Bhai: Will the Minister of **Communications** be pleased to state:

(a) the names of places in Banswara District where telephone facilities were available before the Government of India took over the administration of communication department in those regions;

(b) the reasons for disconnecting the telephone in Bajidora, Barodia, Ghantola, Garhi, Keeshalgarh, Sallopat and Shergarh; and

(c) whether Government propose to examine the question of reconnecting these places with telephones afresh?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Banswara, Kalinzira, Danpur, Barodia and Partapur.

(b) The only place where the telephone facilities existed was Barodia. This was closed after taking over as the system was unremunerative.

(c) The question will be examined if there is a demand from the public for it.

DAMAGE TO CRO

210. **Shri Karni Singhji:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the extent of damage done to crops so far by locusts during 1954 in Rajasthan with particular reference to Jodhpur and Bikaner Divisions which form the desert area; and

(b) the amount spent on anti-locust operations there during 1954?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) The extent of damage caused by locusts in Rajasthan during 1954 is not precisely known. There was negligible damage reported till the end of August. Some damage caused by locust swarms in flight has since been reported, but the figures of this damage is not yet available.

(b) Anti-locust operations in Rajasthan are conducted by the Government of India in the scheduled desert areas and by the Government of Rajasthan in the cultivated areas. The details of expenditure by the State and the Government of India are not available as the same have not been compiled so far. It is however, estimated that the expenditure involved will be about Rs. 18 lakhs during the current financial year.

DEVELOPMENT COUNCIL FOR SUGAR INDUSTRY

211. **Shri K. C. Sodhia:** Will the Minister of **Food and Agriculture** be pleased to state the period by which Government propose to make the country self-sufficient in sugar in the light of the recommendations made by the Development Council for Sugar Industry?

The Minister of Agriculture (Dr P. S. Deshmukh): The report of the Sub-Committee appointed by the Council on 9th August, 1954 will be considered by the Development Council at its next meeting likely to be held sometime in December, 1954. The Government has, however, already started taking measures to step up production of sugar and sugarcane so as to be self-sufficient as early as possible. A drive for better cultivation has been initiated, better facilities for irrigation are being provided on a progressively larger scale through tubewells etc. and an additional capacity of 4·5 lakh tons has been licensed for the Industry. It is expected that we will reach the goal in the course of the next three to four years if not a little earlier.

HOSPITAL FOR COAL MINES

212. **Shri K. C. Sodhia:** Will the **Minister of Labour** be pleased to state:

(a) the total number of coal miners working during 1953-54 in the various regions of the Coal Mining Industry;

(b) the names of the regions which have hospitals of their own;

(c) the names of the regions for which construction of hospitals is in hand; and

(d) the names of the regions for which construction of hospital is at the proposal stage?

The Minister of Labour (Shri K. K. Desai): (a) The daily average number of persons employed in coal mines in various states in India during 1953 was as follows:

Bihar	1,79,000
West Bengal	95,700
Madhya Pradesh	32,200
Hyderabad	15,800
Vindhya Pradesh	7,600
Orissa	6,000
Assam	4,700
Rajasthan	200
TOTAL	3,41,200

(b) (i) The Coal Mines Labour Welfare Fund has established hospitals at the following places:

BIHAR

A. *Jharia Coalfield*:

(1) 180 bed Central Hospital at Jagjivan Nagar;

(2) 18 bed Regional Hospital at Katras;

(3) 18 bed Regional Hospital at Tisra;

(4) 9 bed T.B. Clinic at Katras:

(5) One dispensary at the Bhuli township.

B. *Mugma Coalfield*:

Dispensary at Kapasara.

WEST BENGAL

Raniganj Coalfied.

(1) 18 bed Regional Hospital at Chora;

(2) 18 bed Regional Hospital at Searsole; and

(3) 9 bed T.B. Clinic at Searsole.

(ii) The information available re- rding the number of dispensaries/ ospitals established by colliery wners in different States is as follows:

o. of collieries maintaining hospitals dispensaries.

NAME OF COALFIELD	
A. *Bihar*:	
1. Jharia Coalfield	147
2. Mugma Coalfield	20
3. Bokaro Coalfield	7
4. Karanpura Coalfield	8
5. Hazaribagh Coalfield	2
6. Giridih Coalfield	3
B. *West Bengal*:	
Raniganj Coalfield	112
C. *Orissa*:	
1. Sambalpur Coalfield	1
2. Talcher Coalfield	3
D. *Madhya Pradesh*:	
1. Pench Valley Coalfield	17
2. Korea Coalfield	9
E. *Vindhya Pradesh*:	
Rewa Coalfield	5
F. *Hyderabad*	3
G. *Assam*:	
1. Khasi Jaintia Naga hills Coalfield	9
2. Daltonganj Coalfield	1
3. Huttar Coalfield	1
Total:	348

(c) The hospitals of the Coal Mines Labour Welfare Fund which are under construction are mentioned below:—

WEST BENGAL

Raniganj Coalfield:

One 160 bed Central Hospital at Kalla (Asansol).

MADHYA PRADESH

Pench Valley Coalfield:

One 30 bed Regional Hospital at Jamai.

VINDHYA PRADESH

One 30 bed Regional Hospital at Dhanpuri.

(d) The construction of hospitals of the Coal Mines Labour Welfare Fund at the following places is under consideration:—

BIHAR

A. *Bokaro Coalfield*:

One 50 bed Regional Hospital.

B. *Karanpura-Ramgarh Coalfield*:

One 30 bed Regional Hospital.

C. One 30 bed T.B. Ward at Rama Krishna Mission Sanatorium, Ranchi.

MADHYA PRADESH

Korea Coalfield:

One 30 bed Regional Hospital.

The above information does not include the hospital maintained by the State Governments etc. and those under construction or proposed to be constructed by the Colliery owners, State Governments, etc.

CENTRAL TRACTOR ORGANISATION

213. Shri R. N. Singh: Will the Minister of **Food and Agriculture** be pleased to state:

(a) the extent of land reclaimed so far by the Central Tractor Organisation, State-wise; and

(b) the acreage of reclaimed land, state-wise, which has been under cultivation since then?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) The information is as follows:—

Uttar Pradesh	2,70,502 acres
Madhya Pradesh	4,19,837 acres
Madhya Bharat	2,68,151 acres
Bhopal	3,01,190 acres
Punjab	13,521 acres
	12,73,201 acres

(b) Almost the whole of the reclaimed area is under cultivation.

भारतीय जहाज

२१४. श्री आर० एन० सिह : क्या परिवहन मंत्री यह बताने की कृपा करेंगे :

(क) १९४७ के बाद से अब तक कितने भारतीय जहाज डूबे हैं ;

(ख) वे कहां कहां डूबे हैं ; और

(ग) उनमें से कितने जहाजों का उद्धार किया गया है ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b).

1. M. S. 'Dipavati' —within Bombay Port limits.
2. S. L. 'Lakshmi' —within Bombay Port limits.
3. M. F. V. 'Kumud'—off Kolaba, Bombay.
4. S. L. 'Bangabir' —Hooghly River.
5. S. S. 'Ramdas' —off Bombay Harbour.
6. S. T. 'Grampus' —in Visakhapatnam Port.
7. S. T. 'Cheerful' —Ballard Pier, Bombay.
8. S. S. 'Janaki' —six miles off Khanderi Island Lighthouse, Bombay.

(c) Three.

MANUFACTURE OF TELEPHONE

215. Shri Ibrahim: Will the Minister of **Communications** be pleased to state:

(a) the target of production of telephone and automatic exchange lines under the First Five-Year Plan; and

(b) how far these targets have been achieved?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) and (b). The required information is given in the Statement below:

Years	Original targets	Revised targets	Actually manufactured
		Telephones	
1951-52	25,000	25,000	21,049
1952-53	25,000	27,000	22,444
1953-54	25,000	40,000	40,952
1954-55	25,000	50,000	29,375 (Upto October 1954)
1955-56	25,000	60,000	..
		Exchange Lines	
1951-52	..	..	3,000
1952-53	..	11,000	8,000
1953-54	..	15,600	15,600
1954-55	..	30,000	16,500 (Upto October 1954 only)
1955-56	20,000	35,000	..

CEYLON RAILWAY DELEGATION

216. { **Shri Gidwani:**
Shri Bahadur Singh:

Will the Minister of **Railways** be pleased to state:

(a) the purpose of the visit of the Ceylon's Railway Delegation that visited this country sometime back;

(b) whether it has been decided to send a batch of Indian Railway officers to Ceylon; and

(c) if so, when they will be sent?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) The visit of the Ceylon Railway Delegation was in the nature of a goodwill mission and to study the working of Indian Railways.

(b) No.

(c) Does not arise.

LABOUR CONCILIATION OFFICER

217. Shri Lakshmidhar Jena: Will the Minister of **Labour** be pleased to state:

(a) whether Government have appointed a Labour Conciliation Officer in Orissa;

(b) if so, the period for which he has been there;

(c) whether he is still there; and

(d) if not, the reasons therefor?

The Minister of Labour (Shri K. K. Desai): (a) and (b). An officer was posted in Orissa for about three years.

(c) No.

(d) The post was abolished in May 1954 as a measure of economy as there was not enough work for one whole-time Conciliation Officer. The jurisdiction of the Conciliation Officer, Asansol has been extended to cover Orissa.

DEATH OF TEA LABOURERS

218. Shri Tushar Chatterjea: Will the Minister of **Labour** be pleased to state:

(a) whether Government have received any representation from the West Bengal Committee of the All India Trade Union Congress regarding the death of hundreds of workers of the Tandu Tea Estate in Doars, West Bengal in August, 1954 due to floods;

(b) whether Government have ascertained full facts about the incident; and

(c) if so, what are they?

The Minister of Labour (Shri K. K. Desai): (a) Yes.

(b) and (c). This is a matter within the purview of the Government of West Bengal. They have been requested to send us the information required. The report will be placed on the Table of the House when received.

POST OFFICES IN 1954

219. Shri Bahadur Singh: Will the Minister of **Communications** be pleased to state:

(a) the number of Post Offices opened so far during 1954; and

(b) whether there are still any villages or groups of villages with a population of more than 2,000 that have no Post Office facilities for the present?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) 2152 new post offices were opened since 1st January 1954.

(b) Yes; a statement regarding the villages having 2,000 population that have no post offices is placed on the Table of the House. [*See* Appendix I, annexure No. 66.]

Regarding groups of villages with a population of more than 2,000, the programme is expected to be completed by 31st March 1956.

RAILWAY SERVICES

220. Shri T. K. Chaudhuri: Will the Minister of **Railways** be pleased to state:

(a) whether there is any proposal for restoring through railway service on the Bandel-Barharwa loop line of the Eastern Railway beyond Nimtita Station in the near future; and

(b) whether any survey has been undertaken for an alternative route connecting Nimtita Station with Farakka and Barharwa Stations?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) A proposal to restore through Railway service from Nimtita to Dhulianganges on the Bandel-Barharwa Section is under consideration.

(b) A survey is in progress for an alternative alignment between Nimtita and Tildanga.

KATNI-MERWARA STATION

221. Shri T. K. Chaudhuri: Will the Minister of **Railways** be pleased to state:

(a) whether the work of extending the yard at Katni-Merwara Junction on the Central Railways has been taken in hand;

(b) if so, when;

(c) the nature of the construction work and the target in respect of daily wagon-handling capacity of the said railway junction which is aimed at; and

(d) the target date by which the said work is expected to be completed?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) to (d). The position regarding works in the Katni area required for increasing the capacity for movement of traffic, the bulk of which is coal wagons *via* Katni, is as follows:

Name of work	Date of completion of Yard Work	Date of completion of signalling & interlocking
Katni South—Provision of two additional lines	31-12-54	31-7-55
Katni— Provision of chord line connection between New Katni Jn. of E. Rly. and Katni South of Central Railway.	Completed	31-7-55
Katni Jn.—Provision of additional loop in the yard.	31-3-56	31-3-56
Katni-Merwara—Provision of additional facilities in the yard.	Being included in the programme for 1955-56	

The output of coal from the Central India Coalfields is expected to increase from year to year and the ultimate target of receipt of coal and general traffic in the year 1956-57 will be of the order of 475 to 480 wagons per day via Katni.

POTATO PRODUCTION

222. **Shri Mahodaya:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the comparative figures of potato production in the various states during the last five years; and

(b) the steps Government propose to take to increase the production of potatoes in those states where production is less?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) A statement giving the available information is placed on the Table of the Sabha. [*See* Appendix I, annexure No. 67.]

(b) The following steps are being taken by the Government to increase the production of potatoes:—

(i) Evolution of suitable varieties;

(ii) provision of good quality disease-free seed in adequate quantities for planting;

(iii) provision of facilities for irrigation; and

(iv) provision of suitable manures.

नयी रेलवे लाइन

२२३. **श्री डामर :** क्या रेलवे मंत्री यह बताने की कृपा करेंगे :

(क) क्या यह सच है कि मध्य भारत में इंदौर से धार हो कर दोहद तक एक रेलवे लाइन बनायी जायेगी ; और

(ख) यदि हां, तो इस लाइन पर बनाये जाने वाले मुख्य स्टेशनों के नाम क्या हैं ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन): (क) और (ख). इन्दौर से धार होते हुए दोहद तक रेलवे लाइन की जांच पड़ताल हो चुकी हैं और रिपोर्ट की प्रतीक्षा की जा रही हैं । सर्वे रिपोर्ट जांच के बाद ही इस लाइन के मार्ग और निर्माण के सम्बन्ध में निश्चय किया जा सकता हैं ।

ROAD BRIDGES

224. **Pandit S. C. Mishra:** Will the Minister of **Transport** be pleased to state:

(a) the total number of major road bridges completed during the Five Year Plan till the 30th September, 1954;

(b) the number of major road bridges that are expected to be completed by the end of this year;

(c) the total amount of money allotted for the construction of bridges; and

(d) the amount spent up to the 30th September, 1954?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) 29.

(b) 13.

(c) The plan provides for an expenditure of about Rs. 8 crores on the construction of bridges.

(d) The Expenditure from 1st April 1951 to 30th June 1954 is about Rs. 3 crores.

Note: The above particulars relate only to those bridges which are on National Highways and roads other than National Highways for which the Centre has assumed financial liability.

MILK FROM UNICEF

225. Shri Dhusiya: Will the Minister **of Health be pleased to state**

(a) what quantity of skim-milk-powder has been allotted to India for 1954-55 by the United Nations International Children's Emergency Fund for distribution among the children and expectant and nursing mothers;

(b) how much of the allotted quota, if any, has already arrived in India;

(c) how much of it has so far been distributed;

(d) the number of children and mothers who have already been served with this milk; and

(e) the machinery through which this milk has been distributed?

The Minister of Health (Rajkumari Amrit Kaur): (a) 6,400 short tons of skim milk powder were allotted to India by the UNICEF in September, 1953, for distribution during the years 1954 and 1955; an additional quantity of 5,000 short tons has been allotted, in September, 1954 for distribution during the same period.

(b) Of the total quantity allocated about 4,880 short tons have so far arrived in India.

(c) 2,767 short tons of skim milk powder had been distributed to States by the end of October, 1954. The actual quantity consumed by States in feeding operations is not known as the required information is yet to be received from the States concerned.

(d) The number of Children and mothers deriving benefit by the distribution of UNICEF milk powder is estimated to be 125,285 daily.

(e) The UNICEF milk powder is being distributed through maternity and child welfare centres, hospitals, dispensaries, schools, orphanages and other child care institutions. In scarcity areas the distribution is also done through the gruel centres started by the State Governments concerned or non-Governmental agencies.

AIR-CONDITIONED COACHES

226. Shri T. Subrahmanyam: Will the Minister of **Railways** be pleased to state:

(a) the number of new air-conditioned coaches brought into use in 1952-53 and 1953-54;

(b) the total cost involved in it; and

(c) whether the income therefrom is commensurate with the cost of investment?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) 21 in 1952-53 and 21 in 1953-54.

(b) Approximately 1·09 crores.

(c) Earnings from the Air-conditioned class amounted to Rs. 26,49 thousands in 1952-53 and Rs. 46, 55 thousands (approximately) in 1953-54.

As the cost of operating the Air Conditioned coaches in passenger trains is not separately worked out, the information relating to whether the income therefrom is commensurate with the cost of investment thereon is not available.

INDEX
TO
LOK SABHA DEBATES—PART I

Vol. VI, No. 4.
19th NOVEMBER, 1954

A

ACCIDENT(S)—
  Question *re*—
    —in Union Angarpathra Colliery. 279-80.
  See also "Railway Accident(s)".

AGREEMENT(S)—
  Question *re*—
    Godowns. 263-65.

AGRICULTURAL HOLDING(S)—
  Question *re*—
    Consolidation of ——. 271.

AGRICULTURE—
  Question *re*—
    Agricultural labour. 269-70.
    Ferguson implements. 248-49.

AID(S)—
  Question *re*—
    Jachcha tatha shishu kalyan.
    (जच्चा तथा शिशु कल्याण 235-36.
    Pisciculture. 295.

AIR-CONDITIONED COACH(ES)—
  See "Railway Coach(es)".

AIR-CONDITIONING PLANT(S)—
  Question *re*—
    Jachcha tatha shishu kalyan.
    (जच्चा तथा शिशु कल्याण) 235-36.

AIR MAIL SERVICE—
  Question *re*—
    Air mail. 266-67.

AIR SERVICE(S)—
  Question *re*—
    Development of —— in Nepal. 271-72.

AIRCRAFT—
  Question *re*—
    Import of ——. 286.

ALTEKAR, SHRI—
  Question (supplementary) by—
    Hyderabad-Kazipet train Accident. 237.
    Postal Savings Bank. 248.

AMENITY(IES)—
  Question *re*—
    Railway porters. 286-87.

AMERICA, UNITED STATES OF—
  Question *re*—
    Godowns. 263-65.
    Maize Hybrid. 253-54.
    Rehabilitation works of Railways. 238-39.

AMRAVATI—
  Question *re*—
    Refresher course for agricultural farmers. 259-60.

AMRITSAR-LAHORE RAILWAY LINE—
  See "Railway Line(s)".

ANDHRA—
  Question *re*—
    Loans to —— State. 249-50.
    Medium and long term loans. 294-95.
    Sugar factories. 272-73.

AUDIT—
  Question *re*—
    Agricultural Research Institute. 260-61.

AUTOMOBILE(S)—
  Question *re*—
    Motor gadian. (मोटर गाड़ियां) 283-84.

B

BAGDI, SHRI MAGAN LAL—
  Question by —
    Conference on road transport organisation. 298.
    Godowns. 288-89.

BAHADUR SINGH, SHRI—
  Question by—
    Ceylon Railway Delegation. 306.
    Post Offices in 1954. 307-308.

BANK(S)—
  Question *re*—
    Postal Savings ——. 247-48.

BANSWARA—
  Question *re*—
    Tele-communications. 300.
    Telephones in —— District. 300-301.

BASU, SHRI K. K.—
  Question (supplementary) by—
    Agricultural labour. 270.
    Amritsar-Lahore Railway line. 246.
    Refresher course for agricultural farmers. 260.
    Sugar factories. 273.

BHAGALPURGHAT—
  Question *re*—
    Ghat service. 281-82.

BHAKTINAGAR—
  Question *re*—
    Railway lands. 296-97.

BHEEKHA BHAI, SHRI—
  Question by—
    National highways. 252-53.
    P. and T. Offices for Rajasthan. 299-300.
    Public Call Office at Sugwara. 299.
    Tele-communications. 300.
    Telephones in Banswara District. 300-301.

BIHAR—
  Question *re*—
    Expansion of sugar factories. 245-47.
    Lock-out in Pure Dhansar Colliery, ——. 277-78.
    New Railway lines. 280-81.
    Transport facilities in flood-affected areas. 274-75.

BOAT(S)—
  Question *re*—
    Fishing ——. 26[illegible].

BOMBAY—
  Question *re*—
    Refresher course for agricultural Farmers. 259-60.

BOSE, SHRI P. C.—
  Question (supplementary) by—
    Hyderabad-Kazipet train accident. 243.

BRIDGE(S)—
  Question *re*—
    National highways. 252-53.
    Road ——. 310-11.

C

CALCUTTA—
  Question *re*—
    Railway Public Service Commission. 254-56.

CASUALTY(IES)—
  Question *re*—
    Hyderabad-Kazipet train accident. 236-38.

CENTRAL TRACTOR ORGANISATION—
  Question *re*—
    Central Tractor Organisation. 305.

CENTRE(S)—
  Question *re*—
    Contributory Health Schemes. 287-88.

CEYLON RAILWAY DELEGATION—
  Question *re*—
    Ceylon Railway Delegation. 306.

CHARAK, TH. LAKSHMAN SINGH—
- Question by—
  - Contributory Health Schemes. 287-88.
  - Expansion of sugar factories. 246-47.

CHATTERJEA, SHRI TUSHAR—
- Question by—
  - Death of tea labourers. 307.
  - Misuse of teleprinters. 256.
  - Nationalisation of road transport. 293-94.

CHAUDHURI, SHRI R. K.—
- Question by—
  - Transport facilities. 298-99.

CHAUDHURI, SHRI T. K.—
- Question by—
  - Import of foodgrains. 256-58.
  - Katni-Merwara Station. 308-09.
  - Railway services. 308.
- Question (supplementary) by—
  - Rehabilitation works of Railways. 239.

CHITTARANJAN LOCOMOTIVE WORKS—
- Question *re*—
  - Railway Public Service Commission. 254-56.

CHOWDARY, SHRI C. R.—
- Question by—
  - Loans to Andhra State. 249-50.
  - Medium and long term loans. 294-95.

COACH(ES)—
- *See* "Railway Coach(es)".

COLLIERY(IES)—
- Question *re*—
  - Accident in Union Angarpathra ——. 279-80.
  - Hospital for coal mines. 302-04.
  - Lock-out in Pure Dransar Colliery, Bihar. 277-78.

COMMERCIAL BANK(S)—
- *See* "Bank(s)".

COMMISSION(S)—
- *See* "International Rice Commission".

COMMITTEE(S)—
- Question *re*—
  - Catering on Railways. 274.
  - Expansion of sugar factories. 246-47.
  - Iron and Steel —— of the I.L.O. 278.

COMMUNICATION(S)—
- Question *re*—
  - Tele-communications. 300.

COMPENSATION—
- Question *re*—
  - Railway lands. 296-97.

CONFERENCE(S)—
- Question *re*—
  - —— on Road Transport Organisation. 298.

CONSTRUCTION—
- Question *re*—
  - National highways. 252-53.

CONSUMPTION—
- Question *re*—
  - Sugar consumption. 297.
  - Sugar factories. 261-62.

CONTRIBUTORY HEALTH SCHEMES—
- Question *re*—
  - Contributory Health Schemes. 287-88.

CO-OPERATIVE SOCIETY(IES)—
- Question *re*—
  - Co-operative societies. 251-52.

CORPORATION(S)—
- Question *re*—
  - —— for Delhi. 265-66.

COW-DUNG—
- Question *re*—
  - Manures. 284-285.

CROP(S)—
- Question *re*—
  - Damage to ——. 301.

CULTIVATION—
- Question *re*—
  - Jute —— in Orissa. 297-298.

CULTIVATOR(S)—
- Question *re*—
  - Loans to Andhra State. 249-50.
  - Refresher course for agricultural farmers. 259-60.

D

DABHI, SHRI—
  Question by—
    Amount for passenger amenities. 293.
    Postal Savings Bank. 247-48.

DAMAGE(S)—
  Question *re*—
    Badh ke karan kshatigrasth Pul. (बाढ़ के कारण क्षतिग्रस्त पुल) 296.
    —— to crops. 301.
    Hyderabad-Kazipet train accident. 236-38.

DAMAR, SHRI—
  Question by—
    Nai railway line. (नई रेलवे लाइन) 310.

DAS, SHRI S. N.—
  Question by—
    Delhi Improvement Trust. 279.
    Development of Air Services in Nepal. 271-72.
    Ghat service. 281-82.
    International Rice Commission. 276-77.
    Rajasthan ka. registan. राजस्थान का रेगिस्तान) 290-91.

DAS, SHRI SARANGADHAR—
  Question by—
    Jute cultivation in Orissa. 297-98.
    Tubewells in Orissa. 297-98.
  Question (supplementary) by—
    Expansion of sugar factories. 247.

DEATH(S)—
  Question *re*—
    —— of tea labourers. 307.

DELEGATION(S)—
  Question *re*—
    Ceylon Railway Delegation. 306.

DELHI—
  Question *re*—
    Chalte phirte dak ghar. (चलते फिरते डाक घर) 250-51.
    Corporation for ——. 265-66.

DELHI IMPROVEMENT TRUST—
  Question *re*—
    Delhi Improvement Trust. 279.

DELHI ROAD TRANSPORT—
  Question *re*—
    Dilli parivahan seva. (दिल्ली परिवहन सेवा) 268-69.

DEVELOPMENT—
  Question *re*—
    —— of forests in Travancore-Cochin. 239-40.

DEVELOPMENT COUNCIL FOR SUGAR INDUSTRY—
  Question *re*—
    Development Council for sugar industry. 301-02.

DHUSIYA, SHRI—
  Question by—
    Milk from UNICEF. 311-12.

DIESEL CAR(S)—
  See "Railway Coach(es)".

DIET AND NUTRITION SERVICE—
  Question *re*—
    Incidence of nutritional disorders. 262-63.

DWIVEDI, SHRI M. L.—
  Question by—
    Jachcha tatha shishu kalyan. (जच्चा तथा शिशु कल्याण) 235-36.
    Motor gadian. (मोटर गाड़ियां) 283-84.
  Question (supplementary) by—
    Railway Board. 244-45.

E

EASTERN RAILWAY—
  See "Railway, Eastern".

ENQUIRY(IES)—
  Question *re*—
    Agricultural labour. 269-70.

ESTIMATES COMMITTEE—
  Question *re*—
    Agricultural Research Institute. 260-61.

EXHIBITION(S)—
Question *re*—
International Philatelic Symposium. 277.

EXPENDITURE—
Question *re*—
Godowns. 288-89.
Railway Board. 243-45.
Road bridges. 310-11.

F

FACTORY(IES)—
Question *re*—
Doormudrak (Teleprinter) ka kar-Khana. दूरमुद्रक (टेलीप्रिंटर) का कारखाना 266.
Idle sugar ——. 283.
Railway coaches. 285-286.
Sugar factories. 272-73.

FARMER(S)—
See "Cultivator(s)".

FERGUSON IMPLEMENT ——
See "Implement(s)".

FERTILISER(S)—
Question *re*—
Loans to Andhra State. 249-50.
Manures. 284-285.

FISH—
Question *re*—
Marine —— 280.

FISHING—
Question *re*—
—— boats. 268.

FIVE YEAR PLAN—
Question *re*—
Development of forests in Travancore-Cochin. 239-40.
Manufacture of telephone. 306.
Rehabilitation works of Railways. 238-39.
Road bridges. 310-311.

FLOOD(S)—
Question *re*—
Hyderabad-Kazipet train accident. 240-43.
Transport facilities in flood-affected areas. 274-75.

FOOD GODOWNS—
Question *re*—
Godowns.

FOODGRAIN(S)—
Question *re*—
Godowns. 263-65.
Import of ——. 256-58.
Maize Hybrid. 253-54.

FOREIGN COUNTRY(IES)—
Question *re*—
Import of foodgrains. 256-58.
Motor gadian. (मोटर गाड़ियां) 283-84.

FOREIGN EXPERT(S)—
Question *re*—
Rajasthan ka registan. (राजस्थान का रेगिस्तान) 290-91

FOREIGNER(S)—
Question *re*—
Tourists visiting India. 274.

FOREST(S)—
Question *re*—
Development of —— in Travancore-Cochin. 239-40.

FREIGHT—
See "Railway Freight".

G

GADILINGANA GOWD, SHRI—
Question (supplementary) by—
Sugar factories 273.

GENEVA—
Question *re*—
Iron and Steel Committee of the I.L.O. 278.

GIDWANI, SHRI—
Question by—
Agricultural labour. 269-70.
Amritsar-Lahore Railway line 245-46.
Ceylon Railway Delegation. 306.
Corporation for Delhi. 265-66.
Diesel Rail-cars. 288.

GODOWN(S)—
  Question *re*—
    Godowns. 263-65
GOVIND DAS, SETH—
  Question by—
    Badh ke karan kshatigrast pul. (बाढ़ के कारण क्षतिग्रस्त पुल) 296.
    Railway Karmachari (रैलवे कर्मचारी) 295-96.
GRANT(S)—
  Question *re*—
    Amount for passenger amenities. 293.
    Medium and long term loans. 294-95.
GROW MORE FOOD (FISHERIES) SCHEME—
  Question *re*—
    Pisciculture. 295
GUPTA, SHRI SADHAN—
  Question by-
    Railway locomotives. 291.

H

HEDA, SHRI—
  Question by—
    Railway freight. 275-76.
HELICOPTER(S)—
  Question *re*—
    Plant for —— in India. 267-68.
HOSPITAL(S)—
  Question *re*—
    —— for coal mines. 302-304.
HUKAM SINGH, SARDAR—
  Question by—
    Concession tickets. 278.
    Idle sugar factories. 283.
    International Philatelic Symposium. 277.
    Tourists visiting India. 274.
HYDERABAD—
  Question *re*—
    —— Kazipet train accident. 240-43.
    Diesel cars. 258-59.

IBRAHIM, SHRI—
  Question by—
    Jute and sugarcane production. 276
    Manufacture of telephones. 306.
    Nationalisation of road transport. 293-94.
IMPLEMENT(S)—
  Question *re*—
    Ferguson ——. 248-49.
IMPORT(S)—
  Question *re*—
    —— of aircraft. 286.
    —— of foodgrains. 256-58.
    Maize Hybrid. 253-54.
INDIAN AGRICULTURAL RESEARCH INSTITUTE—
  Question *re*—
    Agricultural Research Institute 260-61.
    Ferguson implement. 248-49.
    Maize Hybrid. 253-54.
    Refresher course for agricultural farmers. 259-60.
INDIAN COUNCIL OF MEDICAL RESEARCH—
  Question *re*—
    Incidence of nutritional disorders. 262-63.
INDO-U.S. JOINT PROJECT AGREEMENT—
  See "Agreement(s)".
INDORE—
  Question *re*—
    Nai railway line (नई रेलवे लाइन) 310

INDUSTRY(IES)—
Question re—
Development Council for sugar ——. 301-302.

INTERNATIONAL LABOUR ORGANISATION—
Question re—
Iron and Steel Committee of the ——. 278.

INTERNATIONAL PHILATELIC SYMPOSIUM—
Question re—
International Philetelic Symposium. 277.
Concession tickets. 278.

INTERNATIONAL RICE COMMISSION—
Question re—
International Rice Commission. 276-77.

IQBAL SINGH, SARDAR—
Question by—
Railway mileage. 281.

IRON AND STEEL—
Question re—
—— Committee of the I.L.O. 278.

J

JENA, SHRI LAKSHMIDHAR—
Question by—
Labour Conciliation Officer. 307.
Railway Public Service Commission. 254-56.

JHARIA—
Question re—
Accident in Union Angarpathra Colliery. 279-80.

JOSHI, SHRI JETHALAL—
Question by—
Railway lands. 296-97.

JOSHI, SHRI KRISHNACHARYA—
Question by—
Hyderabad-Kazipet train accident. 240-43.
Indian Postal System. 292.

JUTE—
Question re—
—— and sugarcane production. 276.
—— cultivation in Orissa. 297-98.

K

KAGDAR RIVER—
Question re—
National highways. 252-53.

KARNI SINGHJI, SHRI—
Question by—
Damage to crops. 301.
Tube-wells. 276.

KATNI-MERWARA—
Question re—
——Station. 308-308.

KAZIPET—
Question re—
Hyderabad —— train accident. 240-43.

KESHAVAIENGAR, SHRI—
Question by—
Diesel cars. 258-59.

L

LABOUR—
Question re—
Agricultural ——. 269-70.
Hospital for coal mines. 302-304.

LABOUR CONCILIATION OFFICER—
Question re—
Labour Conciliation Officer. 307.

LABOURER(S)—
Question re—
Death of tea ——. 307.

LAND HOLDING(S)—
See "Agricultural Holding(s)".

LAND(S), RECLAMATION OF
Question re—
Central Tractor Organisation. 305.

LICENCE(S)—
Question re—
Sugar factories. 272-73.

LICENCING COMMITTEE—
Question re—
Expansion of sugar factories. 246-247.

LINGAM, SHRI N. M.—
  Question by—
    Development of Air Services in Nepal. 271-72.
  Question (supplementary) by—
    Hyderabad-Kazipet train accident. 24[illegible].
    Plant for Helicopters in India. 267.

LOAN(S)—
  Question *re*—
    —— to Andhra State. 249-50.
    Medium and long term ——. 294-95.

LOCKOUT(S)—
  Question *re*—
    —— in Pure Dhansar Colliery, Bihar. 277-78.

LOCOMOTIVE(S)—
  See "Railway Locomotive(s)".

LOCUST(S)—
  Question *re*—
    Damage to crops. 301.

M

MADHYA BHARAT—
  Question *re*—
    Nai railway line. (नई रेलवे लाइन) 310.

MADHYA PRADESH—
  Question *re*—
    Refresher course for agricultural farmers. 259-60.

MADRAS—
  Question *re*—
    Chalte phirte dak ghar. (चलते फिरते डाक घर) 250-51.

MAHODAYA, SHRI—
  Question by—
    Potato production. 309-310.

MAIZE—
  Question *re*—
    —— Hybrid. 253-54.

MANUFACTURE—
  Question *re*—
    —— of telephone. 306.
    Railway coaches. 285-286.

MANURE(S)—
  See "Fertilizer(s)".

MARINE FISH—
  See "Fish".

MASSEY HARRIS FERGUSON CO., MESSRS., BANGALORE—
  Question *re*—
    Ferguson implement. 248-49.

MATERNITY AND CHILD WELFARE CENTRE(S)—
  Question *re*—
    Jachcha tatha shishu kalyan. (जच्चा तथा शिशु कल्याण) 235-36.

MILK—
  Question *re*—
    —— from UNICEF. 311-12.

MISHRA, PANDIT S. C.—
  Question by—
    Railway coaches. 275.
    Road bridges. 310-311.

MISHRA, SHRI BIBHUTI—
  Question by—
    Ferguson implement. 248-49.
    Fishing boats. 268.
    Godowns. 263-65.
    Nationalisation of road transport. 293-94.

MOBILE POST OFFICE(S)—
  See "Post Office(s)".

MOKAMEHGHAT—
  Question *re*—
    Ghat service. 281-82.

MORARKA, SHRI—
  Question by—
    Agricultural Research Institute. 260-61.

MOTOR VEHICLE(S)—
  See "Automobile(s)".

MURTHY, SHRI B. S.—
  Question (supplementary) by—
    Hyderabad-Kazipet train accident. 238.

N

NAMBIAR, SHRI—
Question by—
Co-operative societies. 251-52.
Question (supplementary) by—
Hyderabad-Kazipet train accident. 242.

NATIONAL HIGHWAY(S)—
Question re—
National Highways. 252-53.

NATIONALISATION—
Question re—
—— of road transport. 293-94.

NAYAR, SHRI V. P.—
Question by—
Development of forests in Travancore-Cochin. 239-40.
Incidence of nutritional disorders. 262-63.
Manures. 284-285.
Marine Fish. 280.
Question (supplementary) by—
Maize Hybrid. 254.
Railway Board. 245.

NEPAL—
Question re—
Development of Air Services in ——. 271-72.

NEW DELHI—
Question re—
International Philatelic Symposium. 277.

NEWS AGENCY(IES)—
Question re—
Misuse of teleprinters. 286.

NORTH-EAST RAILWAY—
See "Railway, North-East".

NORTHERN RAILWAY—
See "Railway, Northern".

NUTRITION—
Question re—
Incidence of nutritional disorders. 262-63.

O

OFFICER (S), LABOUR CONCILIATION—
Question re—
Labour Conciliation Officer. 307.

ORISSA—
Question re—
Jute cultivation in ——. 297-98.
Labour Conciliation Officer. 307.
Tubewells in —— 297-98

P

PAKISTAN—
Question re—
Amritsar-Lahore Railway line. 245-46.

PANCHAYAT(S)—
Question re—
Postal Savings Bank. 247-48.

PASSES—
Question re—
—— for Railway employees. 291-92.

PHILATELIST(S)—
Question re—
Concession tickets. 278.

PISCICULTURE—
Question re—
Pisciculture. 295.

PLANT(S), INDUSTRIAL—
Question re—
Plant for Helicopters in India. 267-68.

POST AND TELEGRAPH OFFICES—
Question re—
—— for Rajasthan. 299-300.

POST OFFICE(S)—
Question re—
Chalte phirte dak ghar. (चलते फिर डाक घर) 250-51.
—— in 1954. 307-308.

POSTAL SAVINGS BANK—
Question re—
Postal Savings Bank. 247-48.

POSTS AND TELEGRAPHS—
  Question *re*—
    Indian Postal System. 292.

POTATO—
  Question *re*—
    —— production. 309-310.

PRABHAKER, SHRI NAVAL—
  Question by—
    Chalte phirte dak ghar. (चलते फिरते डाक घर) 250-51.
    Dilli pariyahan seva. दिल्ली प्ररिवहन सेवा) 268-69.
    Doormudrak (Teleprinter) ka karkhana. (दूरमुद्रक (टेलीप्रिंटर) का कारखाना) 266.

PRICE(S)—
  Question *re*—
    Air-conditioned coaches. 312.
    Import of aircraft. 286.
    Import of foodgrains. 256-58.
    Railway locomotives. 291.

PRODUCTION—
  Question *re*—
    Jute and sugarcane ——. 276.
    Potato ——. 309-310.
    Sugar factories. 261-62, 272-73.

PUBLIC ACCOUNT(S)—
  Question *re*—
    Postal Savings Bank. 247-48.

PUBLIC CALL OFFICE—
  Question *re*—
    —— at Sugwara. 299.

PURE DHANSAR COLLIERY—
  Question *re*—
    Lock-out in —— Bihar. 277-78.

R

RADHA RAMAN, SHRI—
  Question *re*—
    Maize Hybrid. 253-54.
    Plant for Helicopters in India. 267-68.

RADIOPHONE SERVICE—
  Question *re*—
    Radiophone service. 287.

RAGHAVACHARI, SHRI—
  Question (supplementary) by—
    Sugar factories. 273.

RAGHURAMAIAH, SHRI—
  Question (supplementary) by—
    Hyderabad-Kazipet train accident. 237-38.
    Import of foodgrains. 257.

RAIL-CAR(S)—
  Question *re*—
    Diesel ——. 288.

RAIL LINK, ASSAM—
  Question *re*—
    Transport facilities. 298-99.

RAILWAY(S)—
  Question *re*—
    Ceylon —— Delegation. 306.
    Diesel rail-cars. 288.
    Marine fish. 289.
    Railway porters. 286-87.
    Transport facilities. 298-99.

RAILWAY ACCIDENT(S)—
  Question *re*—
    Hyderabad-Kazipet train accident. 236-38, 240-43.
    Railway accidents. 292.

RAILWAY ALLOWANCE—
  Question *re*—
    Railway Karmchari. (रेलवे कर्मचारी) 295-96.

RAILWAY BOARD—
  Question *re*—
    Railway Board. 243-45.

RAILWAY BRIDGE(S)—
    Badh ke karan kshatigrast pul. (बाढ़ के कारण क्षतिग्रस्त पुल) 296.
    Hyderabad-Kazipet train accident. 236-38, 240-43.

RAILWAY CATERING—
  Question *re*—
    Catering on Railways. 274.

RAILWAY, CENTRAL—
  Question *re*—
    Katni-Merwara Station. 308-309.

RAILWAY CLAIM(S)—
  Question *re*—
    Hyderabad-Kazipet train accident. 240-43.

RAILWAY COACH(ES)—
Question *re*—
Air-conditioned ——. 312.
Diesel cars. 258-59.
Railway coaches. 275, 285-86.

RAILWAY CONCESSION(S)—
Question *re*—
Transport facilities in flood-affected areas. 274-75.

RAILWAY, EASTERN—
Question *re*—
Railway Public Service Commission. 254-56.
Railway services. 308.

RAILWAY EMPLOYEE(S)—
Question *re*—
Co-operative societies. 251-52.
Passes for ——. 291-92.
Railway Karmchari. (रेलवे कर्मचारी) 295-96.

RAILWAY ESTABLISHMENT—
Question *re*—
Railway Board. 243-45.

RAILWAY FREIGHT—
Question *re*—
Railway freight. 275-76.

RAILWAY GOODS—
Question *re*—
Amritsar-Lahore Railway line. 245-46.

RAILWAY LAND(S)–
Question *re*—
Railway lands. 296-97.

RAILWAY LINE(S)—
Question *re*—
Amritsar-Lahore ——. 245-46.
Nai railway line. (नई रेलवे लाइन) 310.
New ——. 280-81.
Railway mileage. 281.
Railway services. 308.

RAILWAY LOCOMOTIVES—
Question *re*—
Railway locomotives. 291.

RAILWAY MILEAGE—
Question *re*—
Railway mileage. 281.

RAILWAY, NORTH-EAST—
Question *re*—
Railway Public Service Commission. 254-56.

RAILWAY, NORTHERN—
Question *re*—
Diesel cars. 258-59.

RAILWAY PASSENGER AMENITY(IES)—
Question *re*—
Amount for passenger amenities. 293.

RAILWAY PORTER(S)—
Question *re*—
Railway porters. 286-87.

RAILWAY PUBLIC SERVICE COMMISSION—
Question *re*—
Railway Public Service Commission. 254-56.

RAILWAY REHABILITATION WORK—
Question *re*—
Rehabilitation works of Railways. 238-39

RAILWAY ROLLING STOCK—
Question *re*—
Rehabilitation works of Railways. 238-39.

RAILWAY, SOUTHERN—
Question *re*—
Diesel cars. 258-59.

RAILWAY STATION(S)—
Question *re*—
Katni-Merwara Station. 308-309.

RAILWAY TICKET(S)—
Question *re*—
Concession tickets. 278.

RAILWAY TRAFFIC—
Question *re*—
Amritsar-Lahore Railway line. 245-46.

RAILWAY TRAIN(S)—
Question *re*—
Hyderabad-Kazipet train accident. 236-38, 240-43.

RAILWAY WAGON(S)—
Question *re*—
Ghat service. 281-82.

RAILWAY, WESTERN—
- Question *re*—
  - Amount for passenger amenities. 293.

RAJASTHAN—
- Question *re*—
  - Damage to crops. 301.
  - P. & T. Offices for ——. 299-300.
  - *Rajasthan ka registan.* (राजस्थान का रेगिस्तान) 290-91.
  - Tube-wells. 276.

RAM SUBHAG SINGH, DR.—
- Question (supplementary) by—
  - Radiophone service. 287.
  - Hyderabad-Kazipet train accident. 242.
  - Railway Public Service Commission. 255.

RAO, DR. RAMA—
- Question (supplementary) by—
  - Agricultural labour. 270.
  - Sugar factories. 273.

RAO, SHRI T. B. VITTAL—
- Question by—
  - Accident in Union Angarpathra Colliery. 279-80.
  - Catering on Railways. 274.
  - Lock-out in Pure Dhansar Colliery, Bihar. 277-78.

RECRUITMENT—
- Question *re*—
  - Railway Public Service Commission. 254-56.

REDDI, SHRI MADHAO—
- Question by—
  - Railway coaches. 285-286.

REPORT(S)—
- Question *re*—
  - Agricultural labour. 269-70.
  - Catering on Railways. 274.
  - Co-operative societies. 251-52.
  - Development of forests in Travancore-Cochin. 239-40.
  - Hyderabad-Kazipet train accident. 236-38.

RESERVE BANK OF INDIA—
- Question *re*—
  - Medium and long term loans. 294-95.

RICE—
- Question *re*—
  - Import of foodgrains. 256-58.
  - International —— Commission. 276-77.

ROAD TRANSPORT—
- Question *re*—
  - Conference on —— organisation. 298.
  - Nationalisation of ——. 293-94.

ROY, SHRI BISHWANATH—
- Question by—
  - Sugar consumption. 297.

S

SAMANTA, SHRI S. C.—
- Question by—
  - Pisciculture. 295.
- Question (supplementary) by—
  - Railway Public Service Commission. 255-56.
  - Rehabilitation works of Railways. 239.

SANGANNA, SHRI—
- Question by—
  - Refresher course for agricultural farmers. 259-60.

SCHEME(S)—
- Question *re*—
  - Air Mail. 266-67.
  - Contributory Health Schemes. 287-88.
  - Godowns. 288-89.

SHARMA, SHRI D. C. —
- Question by—
  - Import of aircraft. 286.
  - Railway porters. 286-87.
  - Transport facilities in flood-affected areas. 274-75.

SHIP(S), INDIAN—
- Question *re*—
  - *Bharatiya Jahaz.* (भारतीय जहाज) 350.

SINGH, SHRI R. N.—
Question by—
Bharatiya Jahaz (भारतीय जहाज) 305.
Central Tractor Organisation. 305.

SINGHAL, SHRI S. C.—
Question by—
Railway Board. 243-45.

SINHA, SHRI ANIRUDH—
Question by—
New Railway lines. 280-81.
Sugar factories. 272-73.

SINHA, SHRIMATI TARKESHWARI—
Question by—
Air Mail. 266-67.
Consolidation of agricultural holdings. 271.
Hyderabad-Kazipet train accident. 236-38.
Question (supplementary) by—
Hyderabad-Kazipet train accident. 242-43.
Import of foodgrains. 257.

SINHA, TH. JUGAL KISHORE—
Question by—
Iron and Steel Committee of the I.L.O. 278.

SINKING OF SHIPS—
Question *re*—
Bharatiya Jahaz. (भारतीय जहाज) 305.

SODHIA, SHRI K. C.—
Question by—
Development Council for sugar industry. 301-02.
Hospital for coal mines. 302-304.

SOUTHERN RAILWAY—
See "Railway, Southern".

STAMP(S)—
Question *re*—
International Philatelic Symposium. 277.

STATE(S)—
Question *re*—
Agricultural labour. 269-70.
Conference on Road Transport Organisation. 298.

STATE(S)—*contd.*
Question *re*.—
Consolidation of agricultural holdings. 271.
Godowns. 263-65.
Incidence of nutritional disorders. 262-63.
Pisciculture. 295.
Railway Public Service Commission. 254-56.
Sugar factories. 272-73.

STATES REORGANISATION COMMISSION—
Question *re*—
Corporation for Delhi. 265-66.

SUBRAHMANYAM, SHRI T.—
Question by—
Air-conditioned coaches. 312.

SUGAR—
Question *re*—
Development Council for —— industry. 301-302.

SUGAR CONSUMPTION—
Question *re*—
Sugar consumption. 294.

SUGAR FACTORY(IES)—
Question *re*—
Expansion of ——. 246-47.
Idle ——. 283.
Sugar factories. 261-62, 272-73.

SUGARCANE—
Question *re*—
Jute and —— production. 276.

SUGWARA—
Question *re*—
Public Call Office at ——. 299.

SURVEY—
Question *re*—
Railway services. 308.

T

TELE-COMMUNICATIONS—
Question *re*—
Tele-communications. 300.

TELEPHONE(S)—
Question *re*—
Manufacture of ——. 306.
—— in Banswara District. 300-301.
Public Call Office at Sugwara. 299.

TELEPRINTER(S)—
Question *re*—
Doormudrak (——) *ka karkhana.* (दूरमुद्रक (टेलीप्रिंटर) का कारखाना) 266.
Misuse of ——. 256.

THOMAS, SHRI A. M.—
Question (supplementary) by—
Sugar factories. 262.

TIWARY, PANDIT D. N.—
Question by—
Passes for Railway employees. 291-92.
Railway accidents. 292.
Question (supplementary) by—
Chalte phirte dak ghar. (चलते फिरते डाक घर) 251.
Postal Savings Bank. 248.

TOKYO—
Question *re*—
International Rice Commission. 276-77.

TOURIST(S)—
Question *re*—
—— visiting India. 274.

TRACTOR(S)—
Question *re*—
Central Tractor Organisation. 305.
Ferguson implements. 248-49.

TRAFFIC RULE(S)—
Question *re*—
Motor gadian. (मोटर गड़ियां) 283-84.

TRAINING CENTRE(S)—
Question *re*—
Refresher course for agricultural farmers. 259-60.

TRANSPORT FACILITY(IES)—
Question *re*—
——in flood-affected areas. 274-75.
Transport facilities. 298-99.

TRAVANCORE-COCHIN—
Question *re*—
Development of forests in ——. 239-40.

TRUST(S)—
Question *re*—
Delhi Improvement ——. 279.

TUBE-WELL(S)—
Question *re*—
Tube-wells. 276.
—— in Orissa. 297-98.

U

UNION AGARPATHRA COLLIERY—
See "Colliery(ies)".

UNITED NATIONS INTERNATIONAL CHILDREN'S EMERGENCY FUND—
Question *re*—
Jachcha tatha shishu kalyan. (जच्चा तथा शिशु कल्याण) 235-36.
Milk from—. 311-12

UPADHYAY, PANDIT MUNISHWAR DATT—
Question by—
Rehabilitation works of Railways. 238-39.
Sugar factories. 261-62.
Question (supplementary) by—
Agricultural Research Institute. 261.

UTTAR PRADESH—
Question *re*—
Expansion of sugar factories. 246-47.

V

VEERASWAMY, SHRI—
Question (supplementary) by—
Chalte phirte dak ghar. (फिरते डाक घर) 251.
Hyderabad-Kazipet train accident. 237.

VILLAGE(S)—
  Question *re*—
    Post Offices in 1954. 307-308.

VILLAGE PANCHAYAT(S)—
  See "Panchayat(s)".

W

WAGE(S)—
  Question *re*—
    Agricultural labour. 269-70.

WAGON(S)—
  See "Railway Wagon(s)".

WEST BENGAL—
  Question *re*—
    Death of tea labourers. 307.

LOK SABHA

Friday, 19th November, 1954

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(*See Part I*)

12 NOON

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

GOVERNMENT ORDER MODIFYING DECISION OF LABOUR APPELLATE TRIBUNAL ON BANK AWARD.

Shri T. K. Chaudhuri (Berhampore): With your permission, under rule 215, I beg to call the attention of the Minister of Labour to the following matter of urgent public importance and request that he may make a statement thereon:

> "The situation created by the action of certain banks in adjusting the monthly emoluments of their employees in such a way as would have the effect of reducing the emoluments in contravention of the Government Order modifying the decision of the Labour Appellate Tribunal on the Bank disputes.

The Minister of Labour (Shri K. K. Desai): By an Order dated the 24th August, 1954, which was placed before this House, the Central Government made certain modifications in the Decision of the Labour Appellate Tribunal dated the 28th April, 1954 in the appeals filed before it against the Award of the All India Industrial Tribunal (Bank Disputes), Bombay. The Order, however, made it clear that there would be no reduction in the total emoluments of bank employees for a period of one year. Since then Government have appointed Shri Justice Rajadhyaksha, a Senior Judge of th Bombay High Court with considerable experience of settlement of industrial disputes, to enquire into various aspects of the modification of the Appellate Tribunal's Decision and to make recommendations whether the Appellate Tribunal's Decision, as modified, should be continued, whether the Appellate Tribunal's Decision should be restored either fully or in part, or whether the Appellate Tribunal's Decision should be enforced with any other modifications considered necessary. Shri Rajadhyaksha is likely to submit his report within the next three or four months so that if any alteration in the Award as now enforced is found to be necessary, it could be effected before any reductions in emoluments became operative.

Certain employees' organizations have complained that refixation of emoluments by banks, in compliance with Government's orders modifying the Appellate Tribunal's Decision, has resulted in an immediate reduction in the total earnings of employees. Enquiries made by Government show that where banks have refixed the salaries and allowances of their employees in accordance with Government's order, while there might have been some reduction in the basic salaries or dearness allowances or both of some of the employees, the total emoluments of the employees, currently payable, have been fully protected by the grant of an allowance

[Shri K. K. Desai]

equal to the reduction in total emoluments according to the revised calculations. It is true, however, that as basic wages have been reduced in some cases, benefits such as provident fund contributions, bonus and gratuity, which are based on basic wages, are liable to be affected correspondingly. These benefits are, however, not immediately payable and there would still be time after receipt of Shri Rajadhyaksha's report to consider whether it is possible to save employees of these losses. Government wish to assure employees that they propose to give necessary retrospective effect to the action taken on Shri Rajadhyaksha's recommendations to make good any short receipts by particular employees owing to the accident of such benefits accruing to them during the intervening period.

In the light of these considerations, Government would earnestly appeal to all bank employees and their organizations to extend their full co-operation to Shri Rajadhyaksha so that a final solution, after hearing both sides, can be found to this long-pending dispute. The very fact that Government have taken an early opportunity of ordering a detailed enquiry shows that they are prepared to review the issue on merits if necessary after a fuller examination. It would be reasonable to suppose that any orders passed on Shri Rajadhyaksha's report would be made applicable over a fairly long period and I hope that bank employees would reconsider the matter and ensure that their interests are duly safeguarded by co-operating in the enquiry.

BUSINESS OF THE HOUSE

Mr. Speaker: Before the House proceeds with the consideration of the resolution of the hon. the Home Minister, I would like to invite the attention of the Members to the agenda for the 22nd instant and subsequent days which has already been circulated to the Members. Hon. Members will find that the first item in the agenda is "Further consideration of the motion in respect of the Criminal Procedure Code". Thereafter, there would be a resolution, and two Bills—the Rubber Production and Marketing (Amendment) Bill and the Coffee Market Expansion (Amendment) Bill—will then come in and after these two Bills are disposed of, the clause by clause consideration of the Criminal Procedure Code will begin. Though the agenda is circulated, I thought it better to invite pointed attention of Members to the Bills that will be coming before the House on Monday.

Shri M. S. Gurupadaswamy (Mysore): May I know the reason for changing this order of business?

Mr. Speaker: There is an urgent resolution which the House must pass within a certain period: and once the consideration motion is passed, there might be a small break, instead of having the whole thing continued for a period of ten days, and staying over, till then, other urgent business.

Shri Asoka Mehta (Bhandara): How much time will be allotted to these two Bills?

Mr. Speaker: I am coming to that. The other Bills and the resolution have also to be sent to the other House which is going to meet shortly and it has to be provided with some business, and therefore it becomes necessary to have a break in the continued discussion of the Criminal Procedure Code.

As regards the question put by the hon. Member Shri Asoka Mehta, I am calling a meeting of the Business Advisory Committee today at 4.0 p.m. in my chamber, and the Business Advisory Committee, at that sitting, will decide the time to be allotted.

As far as the resolution now to be taken up is concerned, there is time up to 4.0 p.m. The four hours of discussion on that resolution which the hon. Home Minister is going to move will end by 4 o'clock.

Shri Nambiar (Mayuram): Today, then the House will sit till 6-30 p.m.

Mr. Speaker: Yes, because there is Private Members' Business also. So, we have allotted more time today so that the Private Members' Business could be taken up.

Shri V. B. Gandhi (Bombay City—North): May I know how much time is left out of the 50 hours allotted to the course of my speech?

Mr. Speaker: He can ask at the Table. That is better. There is very little time now.

RESOLUTION *RE*: PRESIDENT'S PROCLAMATION *RE*: ANDHRA

The Minister of Home Affairs and States (Dr. Katju): I beg to move......

Acharya Kripalani (Bhagalpur *cum* Purnea): If I may intervene for a minute. I had made a request for certain papers which will be necessary for the discussion of this subject.

Mr. Speaker: That letter was forwarded to the Home Minister. He will state the position.

Dr. Katju: I have got it. May I speak on it now or a little later, in the course of my speech?

Mr. Speaker: He may state the position in respect of the papers asked for.

Dr. Katju: The report of the Governor to the President is a document of a very secret and confidential nature, and it will not be in the public interest to produce it.

Shri S. S. More (Sholapur): The article of the Constitution which relates to such reports is 356. It does not say that this report is a confidential document. This House has to accord its approval to the particular Proclamation. If we are to accord our approval after understanding all the relevant facts, the report of the Governor will be the first document that was to be delivered to us and which we should peruse and find out whether there are sufficient grounds or not. The Constitution does not refer to that document as a confidential document nor the "other information", because in the Proclamation, the President is pleased to say that from the report of the Governor and other information received, he is satisfied. So, what was the material on which his satisfaction was based is very relevant for the purpose of useful discussion. That is what we want to submit to you.

Mr. Speaker: While I can appreciate the argument, I do not think the Constitution lays down every bit of detail, and obviously, if we were now to discuss as to what they should consider confidential or as matters which should not be disclosed in the public interest, the discussion will be wasted. If the hon. Members are dissatisfied with the position, they can take to such course as they like when the voting of the resolution comes up. I trust the hon. Home Minister will be disclosing, when he moves his resolution, whatever he thinks necessary for the Members to take into consideration before coming to their conclusions. But his refusal to disclose the document may itself be a ground, so far as the mental processes are concerned, to vote against the resolution, but that is a different matter from asking the Chair to compel the Government to disclose what they believe to be secret.

Dr. Lanka Sundaram (Visakhapatnam): May I submit a word? May I invite your attention to paragraph 2, sub-clause (b) of the Proclamation? It says:

> "declare that the powers of the legislature of the said State shall be exercisable by or under the authority of Parliament."

The motion before the House this morning is this. This hon. House is asked to approve of the Proclamation. Before I can make up my mind, or any of my colleagues can make up their minds, as to whether we should approve or not, this basic document must be

[Dr. Lanka Sundaram]

made available to us. I think the House is entitled to protection......(*Interruptions.*) My point is that Parliament is now to take over the administration and overall control of administration. The motion is that we should approve this Proclamation. I cannot make up my mind whether I should approve or should not approve unless this information as to what the Governor has said...

Mr. Speaker: It is the same point again. I do not think repetition of the same request is going to improve matters or change......

Shri Sadhan Gupta (Calcutta-South-East): I can quite appreciate your observations that if the Home Minister refuses to communicate the Governor's report, we can vote against the Resolution. But I take it that when we are discussing and when we have to give our approval as Members of this House, it is our right, and indeed our obligation, not only to convince ourselves but to convince others. What we are expected to do is to judge whether the Proclamation was right in view of the Governor's report under the Constitution—that is what we are to judge. Now, it may be that when we receive the Governor's report, it will reveal such facts that, although without the report we cannot make up our minds one way or, the other, we will be convinced and what is more, we will be able to convince other hon. Members. I should submit that it is one of our very sacred privileges and that privilege is entitled to protection at your hands.

Shri T. K. Chaudhuri (Berhampore): This is not just one of the usual type of secret documents which is being referred to. The document which we have asked from our side is going to be of considerable constitutional significance and before the House proceeds to take a decision on the whole matter. I think it will be better—if you could not see your way to change your ruling —(*Interruptions.*) if at least the debate stands over for some time.

Acharya Kripalani: About your suggestion that if the non-supply of a document is a ground for voting against them, I suggest then that we may as well as go to voting!

Mr. Speaker: There is no use of repeating this argument......

Shri Raghavachari (Penukonda): Mr. Speaker, the point is simply this. Is it not open to this House to appeal to you, the custodian of the privileges of this House, that when a particular document, which the Constitution says is a fundamental thing for action under article 356, is claimed to be a confidential document by the Government, is it entirely their discretion to say that it is confidential or is it open to you to examine the thing and then determine what part of it is confidential and what part of it is not confidential?

Shri Raghuramaiah (Tenali): I too may be given a chance. Friends on the opposite side seem to have assumed that the President can act only on a recommendation of the Governor and that we have a right to be satisfied that the discretion of the President was rightly exercised. I presume they are referring to article 356. I only read one line of that article. "If the President, on receipt of a report from the Governor or......or otherwise is satisfied..." (*Interruptions.*) The Satisfaction is—I submit—the satisfaction of the President. There is another point. Assuming the Governor has not invoked this article, is it suggested that the President cannot by himself take such action as he can on other reports under acticle 356? Then does it follow that in every case we can call the President to the dock and then say: 'Look here, explain your action. etc.' The point—am trying to emphasise is that the report of the Governor is one of the things. In some cases it may not be there at all. The point is the satisfaction of the President, not the satisfaction of this House.

Dr. Lanka Sundaram: There is satisfaction in this case......

Shri Raghuramaiah: Your are not...

Mr. Speaker: The hon. Member may address the Chair.

Shri Raghuramaiah: They are talking about the rights of this House. Article 356, I submit, does not say that the Governor or the President is bound to disclose the satisfaction. It may be a letter from the Governor; it may be otherwise. It is for us to approve or not approve the Resolution; that is a different matter. But technically, constitutionally and legally the Opposition has no case.

Shri T. K. Chaudhuri: It is on the report of the Governor. It is specifically state......

Mr. Speaker: I do not say I need decide on the question as to whether it is a privilege of a Member to ask for the disclosure of all the documents in the possession of the Government. I cannot conceive of such an extreme position as that. It may be that they are entitled to such information as is reasonably necessary; that is a different thing. I have myself not seen the report and I do not know what it contains. But I do feel that, as the hon. Home Minister comes to this House with a request to adopt a Resolution, it will be his duty to place before the House all facts that he thinks relevant and if he does not choose to disclose them, he takes the risk of the House not going with him. It is in his interest to place all the facts that he can place before this House. I do not know how I can compel him to disclose the entire report to the House. The report may contain many other matters of administrative importance. Many other considerations might be there but we are not concerned with those. He will disclose all relevant facts, I am sure; if he does not disclose, as I said, he takes the risk.

Acharya Kripalani: Let him disclose them to you for the House and then you decide. We know what he will give us. He may suppress very relevant facts.

Mr. Speaker: He will do so at his risk.

Acharya Kripalani: No risk is involved so far as he is concerned.

Shri Raghavachari: My point was simply this. When any document is claimed to be confidential, of course any party is entitled to claim—there must be somebody who must decide that matter. Even in a Court of Law when any party claims a particular document to be confidential, the whole document is kept before the Judge and the Court after a perusal of it decides which part of it is confidential and which part of it, is not. So far as this document which is referred to in the Constitution is concerned, it is stated to be the basis for action and that must be made available to you and you have to see which portion of it is confidential, and which portion is not confidential.

Dr. Gangadhara Siva (Chittoor-Reserved-Sch. Castes.): In the High Court, a Judge lets off a murderer on circumstantial evidence. Can you question on what circumstantial evidence he was left off? *(Interruptions.)*

Mr. Speaker: Order, order. We are sidetracking the discussion. I said I am not deciding on any question of privilege at all. That question will always be open. We shall see as to what the hon. Home Minister has to say; how the points arise and this point may be considered and argued when some other occasion of this type arises. I am not deciding it now.

Shri S. S. More: Does that mean that after he has made his submission if we are not satisfied, we can re-agitate this point for your consideration?

Mr. Speaker: Not on this occasion?

Shri S. S. More: If it is left open......

Mr. Speaker: It is left open to them to argue and vote against, as I said. I am not going to compel, this time at least, the Home Minister to disclose the document which he, as a responsible Minister states is of a "secret" —not merely confidential—nature. The word used by him is "secret".

Dr. Katju: Mr. Speaker, Sir, before I move the resolution I may say for the information of the House that this is the third time that a Resolution of this kind has been moved and approval sought for the Proclamation made under artcile 356. The first was in 1951 when the President took over the Punjab; the second in 1952 when he took over the PEPSU. On those two occasions the report received from the Governors was not put on the Table of the House. So, this is the convention or the practice.

Dr. Lanka Sundaram: The circumstances are different now.

Mr. Speaker: Order, order. The hon. Minister is now in possession of the House.

Dr. Katju: I beg to move:

> "That this House approves the Proclamation issued by the President on the 15th November, 1954, under clause (1) of Article 356 of the Constitution, assuming to himself all the functions of the Government of Andhra."

I should have thought that the action of the President would have met with universal approval in this Parliament, but the amendments moved show—either by accident or by design—deliberate ignorance of very well known facts and I am certain that when I place those facts before the House in the words of Mr. Sadhan Gupta every single Member will come to the conclusion that no other course, except the one adopted by the President was open in the circumstances.

[MR. DEPUTY-SPEAKER *in the Chair*]

Acharya Kripalani: Then how do facts become secret?

Dr. Katju: I find my hon. friend Acharya Kripalani is sitting next to Mr. More and he is following his bad example.

Mr. Deputy-Speaker: You are aware that the Andhra Assembly consisted of 140 members. A resolution was moved before that Assembly to the effect—

> "That this Assembly expresses its want of confidence in the Ministry for having failed to respect and implement the recommendations of the Ramamurthi Committee, as decided by the Assembly on the 27th of May 1954."

I pointedly draw the attention of the Leader of the Praja-Socialist Party that this Ramamurthi Report dealt with the question of prohibition and the resolution was directed only on that question and not on any other question. There was a three-day debate on this resolution and it was voted upon on the 6th of November 1954 this year.

Now, Sir, as I said, the total number of members was 140. The attendance was almost full: there was only one member absent. The House was a House of 139. Now, out of 139, one member of the Praja-Socialist Party remained absent; one was the Speaker who could not take part in the debate or vote on the motion. So 137 members out of 140 voted.

I may in this connection tell the House that the chief parties, organised parties in Andhra Desa were the Congress Party which was in the Government, the Communist Party, the Krishikar Lok Party and the Praja-Socialist Party. There were also a few people who called themselves Rayalaseema Independents; then there were one or two from the Scheduled Caste Federation and some independents. Voting took place and for the motion there were 69: against the motion there were 68. Thus the Government was defeated by one vote.

Now I would like the House to know the break-up of these figures. Among those who voted in favour of the motion—this is important—there were 40 members of the Communist Party. This number is important because I notice that several members of the Communist Party here have tabled a motion that it was the duty of the Governor to ask the Leader of the Communist Party to form a Government. Now that Party consisted of 40 members who had voted for this motion. Then, in favour of the resolution there was what is called the K.L.P.—Krishikar Lok Party. Of them 8 members voted for the resolution and one member voted with the Government against the resolution. Then comes the Praja Socialist Party. Seven members voted for the resolution for the defeat of the Government and one member voted against it. Now that would mean **40 *plus* 15 and you get 55** members. Then there were the Independents—5. Then there were dissidents from the Congress Party,—this is very important,—two members, one of them was the Vice-President of the Provincial Congress Committee. He voted against on this particular motion, namely, relating to prohibition. There were two dissidents from the Congress, and there were two dissidents from the Andhra Praja Party, two, former communists who had now left the Communist Party. They are styled dissidents from the Communist Party, but they joined the old parent party on this occasion and voted in favour of the resolution. They were joined by the two Rayalaseema Independents and one member representing the Scheduled Caste Federation. Thus, there were altogether 69 members.

Aganist the motion were the 51 members of the Congress Party, 5 members of the Andhra Praja Party, one dissident from the Praja Socialist Party, 7 Independents, one member of the K.M.P., one member of the Scheduled Caste Federation, one member of the Rayalaseema Independents and one member of the K.L.P. dissidents.

Now, what was the situation? Wherever the parliamentary system of government that we have established here prevails it is the right of the Government when they are defeated to advise the Governor, the President, the King, whatever may be the name or the form of the Head of the State to say: "We should like to go in appeal to the people." The Government or the Ministry can say to the President or to the Governor or King: "The House on this occasion does not represent the will of the people and we advise dissolution." It is perfectly within its rights and it is the set practice that a dissolution is always ordered. Now, in this particular case, in India,—I mean in the States, I am not referring to the Centre—fortunately we have got article 356 under which the Governor can intervene. In this particular case the Government within three hours sent a letter to the Governor saying that they have been defeated and they would advise under the circumstances—the very narrow margin of one vote and all these happenings there—that he should dissolve the Assembly and they should go to the electorate. And they themselves also said that they would not like to form a Caretaker Government. This was very good and I submit it is a precedent which ought to be followed. Because, when an election takes place on an occasion like this there are always—malicious or otherwise—allegations made that the Government is remaining in power to influence the voters by ulterior methods, improper methods, that the whole official machinery is employed for this purpose, that purpose and the other. Fortunately we have under our Constitution, so far as the State Governments are concerned, this machinery, namely the Governor intervening and the Governor accepting the advice to dissolve the Assembly and taking over power himself if the President so desires, so that for a month or two the Government may be carried on by the Governor or by such authority as the President may direct and elections might take place and so that the elections may be free, fair and wholly unfettered by any authority. Anyway, that was the advice given by the Ministry.

Then a very curious or interesting episode took place. **Shri Raju, the Leader of the Praja Socialist Party,**

[Dr. Katju]

immediately after this proceeding in the Andhra Assembly, said like this. He was the gentleman who had voted in favour of the resolution. If he had abstained, the resolution would never have been carried.

Shri S. S. More: Why should he?

Dr. Katju: If he had voted against, it would have been badly defeated. Please remember that the votes of the Praja Socialist Party were seven. If these had been deducted from sixty-nine, the fate of the resolution would have been in favour sixty-two, against sixty-eight, and the resolution would have been defeated. Now, what did Mr. Raju, Leader of the Praja Socialist Party in Andhra Desh, say? This is what he said, Sir. This is a press note:

> "The alternative is either a successor Government or re-elections. A successor Government cannot improve the stability of political life in Andhra. To bring conditions of peace and harmony in the political life of Andhra, heterogeneous political groups and elements should be eliminated, and this has been long overdue. Good administration is one of the ends of a State, and any attempt to form a government with hotchpotch majorities should be discouraged."

Very wise, very sensible and, I submit, very fair. I hope this sentiment will be acceptable to the All India Leader of the Praja Socialist Party. This is what he said. Just consider before we go further. This party of seven having made their position clear, the Governor was left with no alternative; and as my hon. friend pointed out, even if the Governor had not reported to that effect the President would have seen that there could never be any stable government in Andhra with the existing Assembly. And I ask my hon. friend the Leader of the Praja Socialist Party, if I read aright what he says in his numerous speeches, press conferences and so on, what is there in common between him and the Communist Party, excepting a dislike for the Congress Party? Necessity makes strange bed fellows. He is day in and day out advocating before the country the Gandhian philosophy, the Gandhian way of life, the decentralisation of authority, the establishment of judicial panchayats, and goodness knows what. What is there in common...

Shri A. K. Gopalan (Cannanore): Is all this relevant, Sir?

Mr. Deputy-Speaker: The hon. the Leader of the Communist Party wants to know what relevancy it has. It is this. The hon. the Home Minister feels that these two parties cannot form a Government in Andhra.

Acharya Kripalani: I have as much in common with the Communists as I have with the Home Minister and with all human beings.

Shri K. K. Basu (Diamond Harbour): Are those facts taken into consideration in advising the President to declare a promulgation?

Shri A. K. Gopalan: If Mr. Prakasam can be the leader—he is not a Congressman.

Shri Nambiar (Mayuram): Did the Governor consult the Leader of the Opposition? That is the question. He never called him.

Mr. Deputy-Speaker: I am not going to allow such interruptions. The hon. the Leader of the Communist Party wanted to know how it is relevant, and if it is not relevant I am bound to disallow any particular reference. I consider it is quite relevant in the face of what is being stated, that they could have formed an alternative Government. The Leader of another party who helped in throwing that Government overboard and assisted in creating a majority of sixty-nine for the resolution, subsequently issued a statement that he cannot work with any other party and therefore it is useless to talk of a successor Government.

Under these circumstances the Home Minister is developing an argument that Proclamation is the only effective method of dealing with the situation.

Dr. Katju: That is my notion too.

Shri Nambiar: Leave alone the queston of the P.S.P. Why did he not call the Leader of the Opposition?

Mr. Deputy-Speaker: He considers it is useless to consult the Leader of the Opposition.

Shri Nambiar: Who is to decide that?

Mr. Deputy-Speaker: Let the Home Minister decide, and this House will decide.

Dr. Katju: Sir, I am grateful to you for putting my point concisely. The whole question is when one government goes out, the successor government should be a stable one. Would this Government have been a stable one when the Praja Socialist Party said "we will have nothing to do with the Communist Party"?

Shri S. S. More: There is another statement.

Dr. Katju: I have been hearing it times without number for the last three years; I am not making any discovery now.

There is another press statement. That was from the gentleman who was a former Member of the Communist Party and who had voted in favour of the resolution. If he had not voted and abstained from voting—I am not saying if he had voted with the Congress Party, the government party as it then was—but if he had abstained from voting, the voting on the resolution would have been equal; the Speaker, poor fellow, would have had a chance. But he voted with the former colleagues of his. And he issued this press statement.

Acharya Kripalani: Is it relevant to read these press statements here? Because we are not allowed to rely upon press statements, as has been done by the Speaker many times.

Mr. Deputy-Speaker: It is one thing to refer to press statements and another to rely upon them. If he is asking the Opposition to rely upon it, it is open to the Opposition to rely or not to rely upon it. I will allow press statements to be read. It is for the House to accept or not to accept them and some hon. Members may challenge the correctness of the Press statements also.

Dr. Katju: This is the statement:

> "The House has given the verdict that the ruling party is incompetent to administer the State. As things stand today there is no alternative united opposition which can take the reins of government. There is no successor government in view. All progressive forces in Andhra must be united to give a lead to Andhra for the betterment of the common man. I feel that the verdict of the people must be taken to form a stable Government in Andhra State through general elections. No single Party in Andhra today will be in a position to administer the State. A united front of all progressive forces must alone give the lead to the country".

Now, Mr. Deputy-Speaker, we have another group, a big group, of the Krishikar Lok Party who contributed eight votes to the Communists. Mr. Latchanna—ask him, what does he say?

Mr. Deputy-Speaker: Was he not the sponsor of the Resolution?

Dr. Katju: Yes, he was. Sponsoring of the Resolution is one thing, but the question whether you are going to shoulder the responsibility for Government is quite another. When he was asked: "Are you prepared to co-operate with any body in forming the Government?", he said: "I have not made up my mind. I will consider."

Shri V. P. Nayar (Chirayinkil): Who asked?

Dr. Katju: He said: "I do not know whether I will join or not". This indicates a lot of what I call political integrity, because there must be something in common between you and the said Party. You may join everybody else in hating, but you cannot join in working. Working means a common ideal and belief in a common process of Government, and there is none. (*Interruptions.*) I am admiring them. The communist Party stands for a particular mentality, a very fine mentality. I do not dislike it at all.

An Hon. Member: In spite of you.

Dr. Katju: They stand for a particular mentality, for ushering in an approach to centralised Government, for having no trial of any sort or description, for bringing......

Shri Sadhan Gupta: That is a misstatement.

Dr. Katju: If I believe in them, I join. If I do not believe in them, I do not join. That is why my hon. friend Kripalani won't join them at all. Therefore, Mr. Latchanna said: "I have not made up my mind. I do not know what I will do". Then, when the Leader of the Communist Party—they know what he did. My hon. friends probably have got a report. (*interruptions.*): He said: "Offer me thefruits not of action, but the fruits of office, and I shall try to wheedle the public, hold some plums before them, give a *laddu* to one a *rasagulla* to another." (*interruptions*). He said: "Well, you give me a chance, and I undertake to produce before you Members from the Congress Party. They will join."

Acharya Kripalani: What did Rajaji do?

Dr. Katju: "Members from Independents will join, and you will then be able to produce a majority." Now, this is an insult to the Constitution. This is a mockery of the Constitution.

Shri Nambiar: Why is it a mockery of the Constitution?

Dr. Katju: We want a stable Government. We do not want these tomfooleries and briberies of this description. This is nothing but bribery.

I say that the only sensible course which could have been adopted was adopted, whether the Governor reported in this manner or that manner. The Governor reported facts, and I have given you all the facts. And the President came to the conclusion that there was only one way and no other way in an advanced province like Andhra where the Parties are divided into such numerous groups, *viz.*, that the President should take over and announce an immediate election.

Now, what is all this hallabaloo about? Today is the 19th November. Elections will take place some time early in February. I do not know the date, but they will be held in three months and all the parties should go...

Dr. Lanka Sundaram: Can you give an undertaking about the three months which is not contained in the Proclamation?

Dr. Katju: No, no. There is no question of extension.

All the Parties can go, set about their business, state their programme of action before the electorate, try to educate them—now by this method of prohibition, you may do it in many varieties of ways—and go about, and the Governor is there. I give an assurance, the assurance which I gave in the case of PEPSU, that the Government of India will do its utmost, the Governor will do his utmost, to see that the elections which are held are free, fair, unbiased, unfettered, without caring a tuppence as to which Party wins, which Party loses. What more do you want?

Shri K. K. Basu: Nothing else. We want you to be in office again.

An Hon. Member: They want dictatorship.

Dr. Katju: It may be that I am inexperienced in politics, but sometimes

I wonder—as I have been hearing for the last two days—as to how everything good which comes from these benches is suspected there.

Shri K. K. Basu: Quite normally.

Dr. Katju: There was no other action possible, and I thought this Resolution would go as a purely formal matter, but there are eight amendments. Somebody says "constitutional", somebody says "unconstitutional", somebody says "grave, very bad", somebody says "disapproves". What is there to approve or disapprove? Really, Mr. Deputy-Speaker, all these amendments are not even stable propositions. There was only one course of action which has been adopted, and I ask the House to approve the action taken by the Government and the Proclamation made by the President.

Shri K. K. Basu: May I ask the Government......

Mr. Deputy-Speaker: There are spokesmen. They will speak.

Shri K. K. Basu: There is only one question relating to......

Mr. Deputy-Speaker: Let us see what course the discussion takes, and if nothing is elicited, let him see if anything more is necessary. I will then consider the question.

Shri K. K. Basu: Can't we ask for a clarification?

Mr. Deputy-Speaker: Not immediately.

Shri K. K. Basu: It will help the discussion.

Mr. Deputy-Speaker: Questions have been asked and asked.

Resolution moved:

> "That this House approves the Proclamation issued by the President on the 15th November, 1954, under clause (1) of Article 356 of the Constitution, assuming to himself all the functions of the Government of Andhra."

Now, there are a number of amendments. Are they in order? First of all, before I declare that they are in order or not in order, let me know who all want to have their amendments moved? I will go through these amendments and find out if they are in order. If I have any doubts, I will ask the hon. Members to satisfy me. Subject to that the hon. Members may now move their amendments.

Dr. Rama Rao: (Kakinada): I beg to move:

That for the original resolution, the following be substituted, namely:

> "This House expresses its disappointment at the failure of the Government to give proper advice to the President to direct the Governor of Andhra to follow the democratic procedure of calling the Leader of the Opposition to form the Government on the overthrow of the Prakasam Ministry by a no-confidence motion."

Shri A. K. Gopalan: I beg to move:

That for the original resolution, the following be substituted, namely:

> "This House, after taking into consideration the Proclamation issued by the President on the 15th November, 1954 under clause (1) of Article 356 of the Constitution, disapproves the action of the Governor of Andhra in not calling upon the Opposition to form a Government as required by convention of Parliamentary democracy and requests the President to revoke the said Proclamation under clause (2) of Article 356 of the Constitution of India and to direct the Governor to entrust the Opposition with the formation of the Government."

Shri S. S. More: I beg to move:

That for the original resolution, the following be substituted, namely:

> "This House, having considered the Proclamation dated the 15th November, 1954 issued by the President under clause (1) of Article 356 of the Constitution regarding

[Shri S. S. More]

the State of Andhra, would express a feeling of disappointment at the failure of the adoption of the conventional and constitutional formalities which should precede the assumption of powers under clause (1) of Article 356 of the Constitution."

Shri A. K. Gopalan: I beg to move:

That for the original resolution, the following be substituted, namely:

> "This House, having considered the President's Proclamation dated the 15th November, 1954 under Article 356 of the Constitution of India, is of opinion that the action is totally opposed to all democratic conventions and practices, and requests the President to revoke the same."

Shri Gidwani (Thana): I beg to move:

That for the original resolution, the following be substituted, namely:

> "This House, having considered the Proclamation dated the 15th November, 1954 issued by the President under clause (1) of Article 356 of the Constitution, would express disappointment at the failure of the observance of the constitutional formalities and conventions that should precede the issue of the Proclamation."

Shri Raghavachari: I beg to move.

That in the original resolution, the following be added at the end, namely:

> "but would express a feeling of disappointment at the failure of the adoption of the constitutional and conventional formalities which should precede the assumption of powers under Article 356 of the Constitution."

Shri N. Rachiah (Mysore—Reserved—Sch. Castes): I beg to move:

That in the original resolution, the following be added at the end, namely:

> "as that was the only proper constitutional remedy for the crisis that arose on the resignation of the Prakasam Ministry."

Mr. Deputy-Speaker: All these amendments are now before the House and discussion may proceed both on the original Resolution as also on the amendments.

Shri K. K. Basu: May I ask one question which is very relevant? In support of his motion, the hon. Home Minister referred to Press statements, and you said that he can quote from Press statements if relied upon. I would like to know whether the Government came to the conclusion on the Press statement issued or did they actually call the gentlemen concerned and verified what was their point of view.

Mr. Deputy-Speaker: The hon. Member wants to know if he verified those Press statements or had any personal conversation by himself or through the Governor or otherwise, with those persons who belong to the various groups and Parties in respect of their attitude, independently of the Press statements.

Dr. Katju: I have verified statements on the highest authority and I would ask the House to accept them without the slightest doubt whatsoever.

Shri K. K. Basu: We do not challenge the Press statement. What we would like to know is......

Mr. Deputy-Speaker: That is what he says.

Shri K. K. Basu: He does not say that. He only says, I have verified the statement. We do not challenge the Press statement. Our only point is this. Did Government act on the Press statement, or did the Governor invite the gentlemen concerned to ascertain their opinion as to the formation of the alternative Government?

Shri Algu Rai Shastri (Azamgarh Distt.—East *cum* Ballia Distt.—West): There must have been so many factors. (*Interruptions*).

Shri S. S. More: May I make one submission to you? The hon. Home

Minister has referred to the resignation issued by the Ministry, and he has given us the contents. Will it please the Home Minister, with your permission, to place that document on the Table of the House? We can authentically refer to that document, and draw our own conclusions.

Mr. Deputy-Speaker: The resignation is a fact. The document under which this resignation was......

Shri S. S. More: He says that the Ministry submitted a resignation, and he has proceeded to give us the contents further.

Mr. Deputy-Speaker: I will ask him.

Shri S. S. More: That original document should be placed.

Shri A. K. Gopalan: The substitute Resolution which stands in my name reads as follows:

'That for the original Resolution, the following be substituted, namely:

> "This House after taking into consideration the Proclamation issued by the President on the 15th November, 1954, under clause (1) of article 356 of the Constitution, disapproves the action of the Governor of Andhra in not calling upon the Opposition to form a Government as required by convention of parliamentary democracy and requests the President to revoke the said Proclamation under clause (2) of artcile 356 of the Constitution of India and to direct the Governor to entrust the Opposition with the formation of the Government".'

The hon. Home Minister has just now given his reasons as to why there was this Proclamation, but he has not given the reasons that were asked for, and on which there can be a discussion here. In the Proclamation, it is said:

> "......I am satisfied that the situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of the Constitution of India."

The Home Minister has stated that that satisfaction is the basis of that decision. He also read out to the House the statements issued by two persons who had left the party and voted against it. It was only on the basis of these two statements, and the sarcastic statements that he made against this party and that party, saying persons are going away from the parties, that the hon. Home Minister has tried to justify this Proclamation. These are the only things that the Home Minister has given.

I do not want, as the hon. Home Minister has done here, to wash the dirty linen of the Congress Party and say what is happening here in Delhi and in other parts of the country, how many persons are going away from the Congress Party, how many commissions are set up where even the Prime Minister has to come and intervene and see whether a patch-work could not be made to restore unity inside the party.

Shri Algu Rai Shastri: Why are you worried about them? (*Interruptions*).

Shri A. K. Gopalan: When those questions are taken away, the fact remains that it was not good on the part of the Home Minister to have described this as a constitutional issue. Today, there are so many parties in this country, besides the Congress Party. As far as a stable government is concerned, I will be able to show that the arguments which the Home Minister has advanced do not hold good, because stable governments have been formed here on that very basis for the last four or five years.

But before doing so, I would like to say that whenever the hon. Home Minister brings forward a very important issue before the House, the whole question underlying it is sidetracked, and with one sarcasm, he deals with the whole issue. The whole issue today before this House is that there is a Proclamation by the President, and the cause of that Proclamation was that the Governor said there was a constitutional crisis in that State and he had some reasons to believe that the Government of the State

[Shri A. K. Gopalan]

could not be carried on. Because there was a constitutional crisis, and the Government of the State could not be carried on, he requested the President to take charge, and the President dissolved the State Legislative Assembly, and began to assume charge of the administration of that part of the country. This is not the only instance of its kind in the country. I would have thought that the hon. Home Minister would have given us the reasons for issuing this Proclamation, because the people in the country who are very anxious in regard to the growth of parliamentary democracy in the country are surprised and baffled to see the kind of democracy that is being nurtured here. What is the kind of democracy that they have here? There was the question of the Travancore-Cochin State. Then, there was the question of Madras. Now, there is the question of Andhra. First, there was the dissolving of the Assembly in one place under a special circumstance, and today again, there is the dissolving of the Assembly in another place. What is the real basis of all these things? It is for the Government to make the people understand at least now, when they are functioning on a certain basis, what is the parliamentary practice that is followed by Government when a constitutional crisis happens in this country. We on this side at least expected that the hon. Home Minister would have enlightened us on this point. But what he has done is that he has made fun of this party and that party. He may do it when introducing this Resolution. He may speak sarcastically of the Communist Party, and say one member has gone out and issued a statement; or he may speak of a PSP member having gone out and issued a statement; he may call us anything, and speak sarcastically about us, but he ought to have told us and the lakhs and lakhs of people in the country, what is the parliamentary democracy, and what is the practice that is followed in this country. But he has not done so. Today, there are so many parties in this country, and when one party with the help of another party forms a Government and certain individuals come to power, and there is a constitutional crisis, is it necessary, when other parties join together and say, we are ready to take over the administration, to say that there is a constitutional crisis? If they are not to join together, how is the administration to be carried on?

So, the main issue today is the Proclamation, and the basis behind it, and whether the action that has been taken has been in accordance with the parliamentary practice, and the democratic conventions that we are following. That is the first point that I would like to emphasise. As far as the other arguments are concerned, I shall come to them afterwards.

As I said earlier, we wanted to know the reasons for the Proclamation. I do not want to argue about it. We wanted to know exactly the number in the Congress Party and the Communist Party. When the elections were over, and the Andhra Legislature had come into existence, I had asked the hon. Home Minister to give us the figures in regard to the number of persons who contested the elections, and the number that won the elections. These are the figures:

Name of party	Number contested	Number won
Communist	67	41
Congress	136	40
Praja	82	20
Krishak Lok	63	15
Socialist	55	6
Independents	110	17
Others	15	1

When the elections were over, we got the verdict of the people at the polls as well as from the Assembly. So, if a Ministry is defeated either at the polls or in the Assembly, then comes the question of a constitutional crisis, and the need to form another Government. So, at the time of the elections in the Andhra State, the formation of the parties was different. After the election, the formation changed; the Praja Party and the Socialist Party came together. In the elections, the position was that the Congress Party had only 40, while the Communist Party had 41. After the elections were over, and the Andhra State was formed, it was the duty of the Governor,—and that is the established convention—to call the single largest party to form a Government. But this certainly was not done then. As far as the Travancore-Cochin State is concerned, as far as the Andhra State is concerned, and as far as several other States are concerned, today there is no party which has got an absolute majority; this absolute majority is there only in two or three States. So, in States where no single party has got an absolute majority, and the difference between the strengths of different parties is only one or two or three or five, two or three parties may join together and form a Government. After the elections, the position in the Andhra State was also the same, namely that no single party had an absolute majority. The Congress Party had a strength of 40 and the Communist Party had a strength of 41. Among the Independents, some joined the Congress, and some joined the Communist Party; there were about seven Independents, who stood in the elections, with the Communist Party.

So, the question today is this. Was there really a constitutional crisis in the Andhra State? If there was, what was that crisis? That is the main issue before us. What I have to say is that there was no constitutional crisis. The crisis was not a constitutional crisis. The crisis was only a party crisis; it was a crisis inside the ruling party. The crisis was that some members of the Congress Party walked over to the Opposition. The crisis was that all those people whom they had gathered round themselves at the time of forming the Ministry would not keep up, and some of them went outside. I do not call this a constitutional crisis. It is not at all a constitutional crisis. It is only a crisis inside a party. When there are so many parties, there may be crisis inside each party, and there may also be crisis in a collusion of the parties. As far as the parliamentary practice is concerned, what I want to say is that there was no constitutional crisis, because in my opinion, a constitutional crisis happens only when there is no confidence against a Ministry; then, there are other parties, and the leaders of other parties have to be called, and they are to be given a chance to form a Government. If they are not able to form a Government, and if either the Governor or the Crown in authority finds that there is no possibility of running the administration, and there is nobody to take charge of the administration, then and then only, there is a constitutional crisis. This is the parliamentary practice in this regard.

1 P.M.

Mr. Deputy-Speaker: Does the hon. Member mean that the Ministers cannot recommend dissolution?

Shri A. K. Gopalan: No, Sir; I am coming to that.

I do not think that a situation has arisen when the constitutional machinery cannot function. It cannot be said before observing the conventions and formalities implicit in our Constitution and the set-up, as recognised by years of parliamentary practice. Generally, we used to say in this House that it is the British parliamentary practice that we are following. I will quote some of the relevant portions from Cabinet Government by Ivor Jennings, page 29.

> "It must not be thought, however, that the absence of a strict two party system gives the King the discretion to summon as Prime Minister whom he pleases. It is an accepted rule that when a Government is defeated, either in Parliament or at the polls, the King should send for the Leader of the Opposition. There may be two or more parties in Opposition but the practice of the present century

[Shri A. K. Gopalan]

has created an official Opposition whose leader is the Leader of the Opposition. The rule is that on the defeat and resignation of the Government, the King should send for the Leader of the Opposition. This rule is the result of long practice; though it has hardened into a rule comparatively recently, its basis is the assumption of the impartiality of the Crown. Democratic government involves competing policies and thus the rivalry of parties. The policy to be forwarded is that which secures the approval of the House of Commons subject to the power of the Government to appeal to the electors. The King's task is only to secure a Government, not to form a Government which is likely to forward a policy which he approves. To do so would be to engage in party politics. It is, moreover, essential to the belief in monarch's impartiality not only that he should, in fact, act impartially but that he should appear to act impartially. The only method by which this can be demonstrated clearly is to send for the Leader of the Opposition."

Mr. Deputy-Speaker: I remember to have heard, 'subject to the appeal to the electorate'.

Shri A. K. Gopalan: Not here, in this, Sir.

> "A power to consult means a power to choose; absence of a power to consult means a binding obligation to send for the Leader of the Opposition."

> "The rule has for its corollary the rule that before sending for the Leader of the Opposition the monarch should consult no one. If he takes advice first, it can only be for the purpose of keeping out the Opposition or its recognised leader. To try to defeat the claims of the recognised leader is to interfere in the internal affairs of the Chief Opposition party."

Sir, it is also given in another page that where there is a constitutional crisis in other circumstances, there is certainly a difference. This is only so far as a no-confidence motion is concerned and the defeat comes.

> "This rule does not, of course, prevent the King from consulting whom he pleases in other circumstances. Where the Prime Minister dies or resigns personally, the King may have the delicate task of choosing a Prime Minister who can keep the Government together. Where a Government resigns owing to internal dissensions it does not necessarily follow that the Opposition must take office. In neither case is the King necessarily in the best position for making a choice. He must ascertain the view of the Government party in the first case, and the views of all interested parties in the second case."

I am not a constitutional pundit. I have quoted what is written here. Here it is specifically stated that when there is a constitutional crisis, immediately afterwards the duty of the Crown or the Governor is to see the Leader of the Opposition. If no other man is called, if the Opposition parties are not called and if the defeated Minister is called, it means that the Governor is acting partially and not acting impartially.

Another sentence is that he must not only act impartially but he should appear to act impartially. Taking that into consideration the action has to be judged. I do not deny—nobody denies—that election has to be there. But to say that there is a constitutional crisis and to have an election straightaway, is another thing. Whether the situation has arisen or not is the question here. As far as that is concerned, what is the parliamentary practice established here in our country where there are so many parties and especially in some States where no party has got an absolute majority? Where there are small parties, they come together and form a majority. In this case, Nagi Reddi and another leader of the opposition party had gone to the Governor and told him in this constitutional crisis, if they are asked to form a government and if they are given 15 days, within 15 days they would see that a government is formed and they were sure of forming a stable government. Because the Governor has to act impartially, he should not act in such a way to show that he wants only a certain party to be in power. The parliamentary convention, as I understand it, is that he should have called the leaders of the Opposition parties together, or the leader of the single largest party and then asked them whether they can form a stable government and see whether a stable government can be formed. As I told you, when the Congress party was only 40, how is it that they were able to form a stable government? It was because so many others who had fought the Congress—I do not want to use the language which was used by the hon. Home Minister, because I am not accustomed to that language—the parties who fought the elections against the Congress, were taken into the Government when the Congress Party formed a government. There were many who went openly into the field and said, 'we are against the Congress, we want the votes of the people against the Congress', and they joined the Congress to form the government. The Congress has no right to ally with those people who were returned by the people because they gave the verdict that they were against the Congress; they never supported the Congress. How is it that the Congress party allied themselves with those groups who fought against them in the elections? Those others fought the election against the Congress and told the people that they were against the Congress. What I say is that is not the way in which the numbers should be counted; saying there were 55 and 57 and if one member from here it would be something else and making a mathematical proposition. In a country where there are so many parties and where there is no party which has got an absolute majority, do you want an election every time the party in power is defeated? Even after the elections if the position is 40 and 40, what will happen? There cannot be a fresh election; we cannot have an election every six months or one year. So, it was the duty of the Governor to see that there was no constitutional crisis and if the Governor had acted properly there would not have been this position.

What is a stable government? There are two practices here. I want to know what is the correct practice. What happened in Madras? After the elections, the single largest party was the Congress. But, Mr. Prakasam with the help of other people formed a United Democratic Front with a common programme. They had the majority; they went to the Governor and asked him that they must be called to form the government because theirs was the largest single party having the same programme. It was then said that they would not allow it because it was a heterogenous party and it was not one single party with a single programme. They did not go before the people like that. They did not go to the electorate with the same programme. So, only the largest party which went to the electorate with a common programme has the right to form the Ministry, though they were smaller in number. What was done? A certain gentleman, who was not elected by the people, who was not a member of the Assembly was brought in. He was nominated by the Governor. This was the practice followed. The Governor should not have done that to bring a party into power. The Governor nominated that gentleman to the Upper House. After his nomination to the Upper House, he was elected leader of the party. He was asked to form the Ministry. What the Governor did was to call a man who was not elected, who was not a member of the Assembly but who had been nominated by him. After being elected leader of the party, he was able to

[Shri A. K. Gopalan]

create a majority and they said they had a programme. There was a party which had a majority, which said that they had a programme and that they were able to carry on a government and that they were more in number, but that was rejected (*Interruption*). There is another thing. What happened in Travancore-Cochin? After the first elections there were only 45 members who were returned on the Congress ticket, and the Communist party as well as other parties together said: "Here we are, the largest party. Though we do not belong to one single party, we are the largest party after the elections. We may be called to form the Government." But, they were not called even though they were together —I do not know the exact number—107 minus 45.

Shri A. M. Thomas (Ernakulam): That statement of Shri Gopalan is not correct.

Shri A. K. Gopalan: You may correct it, but the fact remains that the Congress were only 45. Whatever may be the position, I remember well that the members returned on Congress ticket were only 45 and the other parties together were more. Inspite of this the Congress party was called and they formed the Government for some time.

Shri A. M. Thomas: The Tamil Nad Congress Party never joined the opposition party.

Shri A. K. Gopalan: Whether the Tamil Nad Congress Party was there or not would have been known if the Rajpramukh had called them to form the Government. I cannot predict it nor can others predict it. Of course, we know for certain that they would have joined us. Whatever it may be, the position is that the single largest party was called to form the Government though the other parties together were more than the single largest party. Then afterwards in order to be a majority over the other party some promises and others were given and some members were taken away. Therefore, the question is that you cannot say that a single party will be in a majority. When there are so many parties and independents, you cannot say that one party will be in a majority. It may be true today, but when the people and the legislatures understand that a certain party in power is doing something they may join them and afterwards when they realise that it is against the interests of the people, they may decide that it is no use joining them and may leave them. So, there is no question of saying that the largest party will be called to form the Government because that is not the policy adopted. The position which the Government has taken till now is, wherever it suits them they say: "We are the single largest party and so we may be asked to form the Government." Wherever it does not suit them, they say: "You are the largest party. So many parties joined together you form a coalition and so you form the Government." I only want to know one thing. What is the parliamentary practice and procedure? What is the practice that we have seen in other countries when there is a crisis? It is specifically said here that when there is a no-confidence motion and the Ministry is defeated, it is necessary to call the other parties together and ask them to form the Government because election at every time is not an easy thing. Whenever these parties are there, they can join together and form the Government. The only question is whether constitutionally the administration can be carried on by them. The question is whether these parties will be able to come together and carry on administration because these parties have been elected and verdict given by the people.

As far as election is concerned—I do not want to take much time as there will be others to speak—much has been said as though we do not want election. The whole House says: "Why not election?" I say, Sir, when in PEPSU for three months there was President's rule, and when we said:

"Have election; do not postpone it beyond six months", why was it that the Home Minister did not show this hurry? Why was it that the Home Minister did not say: "We will not give six months; have election immediately". Why was it that the Home Minister said: "Have another six months more." So, as far as PEPSU is concerned one practice and here, another to show us that we do not want election. In PEPSU we wanted to have elections immediately, but they were postponed not for six months, but for another six months also. We say that it was to suit the interests of the ruling party because in PEPSU they had to make up. In PEPSU they had to get some people and so they wanted some time. That was the very reason why instead of six months another six months was given. Even though the Home Minister says that we do not want to fight election, we say, we are ready to fight the election. We are quite prepared to have the election. The people of Andhra have got the Andhra State. We have confidence in the people of Andhra. They were the first to get the State on the linguistic basis. Not only that; all those who were in power—Mr. Sanjeeva Reddy and others—did not come up in the first elections. All those who had been in office have been removed and the people have given the verdict: "We do not want you because you acted in an undemocratic manner". Therefore, if there is election, the verdict will be, all those who are in office today, who have gone out and dissolved the Assembly not giving a chance to the opposition party, they will not be there in power. Another party will come to power in Andhra. People will show them the same way as they have shown to Gopala Reddy and Kala Venkatrao. The present Ministry will go in the elections. That is all what I have to show.

Shri Raghuramaiah: Anyone who has heard Mr. Gopalan just now would have thought that he belongs to Andhra and I am not, but I happen to be from Andhra. Another interesting thing to me is the leader of the Communist Party quoting democratic scriptures.

An Hon. Member: Why not?

Shri Raghuramaiah: Of course, he can but he has omitted the relevant chapter. He has quoted I believe from *Jennings*. I believe he quoted from *Jennings* saying that when there is a vote of no-confidence, the proper course is to call the leader of the opposition to form the Government. He missed a link there. It is true, when there is a vote of no confidence and nothing else happens the leader of the opposition has to be called. Here what has happened is, the Chief Minister has advised dissolution of the House and this makes all the difference.

Shri V. P. Nayar: He had no business to do that.

Shri Raghuramaiah: What difference it makes I will show now. I hope Berriedale Keith is known to you all; if not I will tell you now. He has given some instances in this book. I am very happy that our friends on the other side have been quoting British Parliamentary practice.

Shri A. K. Gopalan: Because that is the practice here I have quoted. If you rely on that, take it.

Shri Raghuramaiah: I understand and appreciate your difficulty and I also understand now......

Mr. Deputy-Speaker: Hon. Members on both sides will kindly address the Chair.

Shri Raghuramaiah: I have often heard from the benches opposite that this membership of the Commonwealth is not good and all that. It seemed to me, when my friend Mr. Gopalan was quoting British Parliamentary practice, probably he was trying to realise the advantages of membership of the Commonwealth.

Shri A. K. Gopalan: I said that it is the practice here. What is the harm in quoting when you have said that British Parliamentary practice is followed here?

Shri Raghuramaiah: When it suits you, you are sometimes in favour of such practices and this is one of those cases. Without wasting any further time I will go straight to the subject.

Here is a book written by one of the highest constitutional authorities. The name of the book is *The Privileges and Rights of the Crown* by A. Berriedale Keith. The situation given here is exactly similar to what has happened in Andhra. Let us see what he says:

Shri Nambiar: We want the rights and privileges of the people and Parliament.

Shri Raghuramaiah: I will tell you that. Now I will quote from this book:

> "On many occasions the right of a minister to recommend, and of the Crown to grant, a dissolution is plain......" (*Interruptions*).

Please have patience. By the time I finish I would have said enough that you would raise no more questions. Probably, the debate would be closed. Therefore, please have patience. Now I will quote again:

> "On many occasions the right of a minister to recommend, and of the Crown to grant, a dissolution is plain. If a ministry resigns on defeat, as did that of Lord Rosebery in 1895, or for lack of cohesion and a constructive policy, as did that of Mr. Balfour in 1905, or on the defection of a large section as in 1922, the incoming government must clearly dissolve if it is to be able to carry on business. But the more usual course is for a defeated ministry to dissolve and appeal for a popular verdict in its favour, as Edward VII would have wished Mr. Balfour to do in 1905, as Gladstone did in 1886 and Mr. R. MacDonald in 1924."

I may add that, like Mr. A. K. Gopalan, Lord Asquith on the last of the occasions quoted that he should have been called upon to form the Government, and yet, Mr. Asquith had clearly indicated that in such a case in his view the Crown retained a full discretion as to its action when asked to dissolve. Mr. Asquith doubtless felt that an offer to him to form a government would have been in order, following the practice in Dominion parliaments at that time in like circumstances. But says the author the King took the sound view, which the result of the elections amply confirmed—I hope the results of the Andhra elections would equally confirm—that the time was ripe for the decision of the issue by the people.

There is a summarised statement for those who may not have followed me so far.

> "The only effective criterion is to ask whether from the existing Commons a government can be formed which can carry on the administration for a reasonable period without itself having to ask for a dissolution. If one can be secured, then a dissolution may properly be refused. If not, then a dissolution should be accorded."

Shri Algu Rai Shastri: That is the only other course.

Shri Raghuramaiah: There is another authority. I am not short of the authorities to quote. I shall quote from Rosenberg. I do not know whether my friends have heard of him. Well, any way, I shall proceed with my own scripture.

Dr. Rama Rao: Let us know what your scripture says about the procedure after no-confidence motion.

Shri Raghuramaiah: I hope you have followed what I have read. That should have answered your question.

Mr. Deputy-Speaker: No cross references please.

Shri Raghuramaiah: I hope my hon. friend has followed very well what I have read. Even if you permit me Sir, to re-read that, it will take one hour for my hon. friend to understand it. This is what I was about to quote from *How Britain is Governed* by Kate Rosenberg. It says:

> "The Prime Minister may feel that though he no longer retains the confidence of the House he may still have the confidence of the country, and he may therefore ask the King to dissolve Parliament. A General Election will then follow, and on the results of the polls will depend either the continuation of the old Ministry or the formation of a new one."

The authority is there that the Crown has got ample discretion.

Mr. Deputy-Speaker: The authority is there even for continuing the old Ministry?

Shri Raghuramaiah: No. Where the Chief Minister asks for a dissolution, it is no doubt in the discretion of the Crown to accord dissolution or to refuse dissolution, but once a decision is taken to dissolve the House, I do not know what necessity is there to call the leader of the opposition. If the Government wants to go to the polls and the Crown in England, or the Governor here, as the case may be, is satisfied that a dissolution should be accorded, then there is no option but to dissolve the House. There is no question of the Leader of the Opposition coming in.

There is another anomaly. When we talk of the Leader of the Opposition in England, I suppose we mean somebody like Mr. Churchill and Atlee. But in the Andhra Assembly, there are six leaders of the opposition. *Jennings* would not have known that there can be an assembly of six leaders of the opposition.

Dr. Rama Rao: Nagi Reddy is the leader of the opposition.

Shri Raghuramaiah: He is the leader of the communist party, and Acharya Kripalani will say that there is also the leader of the P.S.P.

Shri Nambiar: We want to have an official Opposition.

Mr. Deputy-Speaker: There is no question of any clarification of such things now. I have been noticing these interruptions. The hon. leader of the Opposition has spoken. I did not allow any objection or interruption in the course of his speech. But there is interruption now from the Opposition side. There is a running commentary from that side. It is very wrong. Hon. Members will kindly hear and if they have got any arguments, they will reply while they get the opportunity.

Dr. Rama Rao: On a point of order. Can he mislead the House by saying that there is no leader of the Opposition there? Mr. Nagi Reddy is the recognised Opposition leader. The Member is misleading.

Mr. Deputy-Speaker: Misleading or leading, it is a point for the other side to make out that he is misleading, and that can be done while Members on the other side get the opportunity.

Shri Raghuramaiah: Well, I am surprised when my hon. friend says that this is misleading. There are opposition parties,—there is the Communist Party, there is the K.L.P. Party, there is the P.S.P. Party, and Acharya Kripalani will be glad to know that there is also a Praja Party in Andhra as distinguished from the Praja Socialist Party. There is a lot of confusion there. There are about six or seven or eight parties. Then there are independents, Royalaseema independents, non–Royalaseema independents, attached to a party, detachable from a party and so on. All sorts of confusion are there. It is a matter of public knowledge, for instance, that four independent candidates from Royalaseema made a public statement that they would vote against the Government. Actually, when it came to voting, one supported the Government, and one remained neutral. I know of occasions when Members get up and say that they would support or oppose one party or the other, but when it comes to voting, they do quite the reverse. There are cases like that. You cannot equate the Andhra

[Shri Raghuramaiah]

Assembly of today with the British House of Commons, or much less even with that of our own Parliament here.

Now, the question arises: Who should be invited? There is Mr. Nagi Reddy. Because Mr. Rama Rao is a communist, he says Nagi Reddy is the leader of the Opposition there. I am sure Acharya Kripalani would say Raju is the leader. Mr. Raju is his disciple there and he is the leader of the Praja Socialist Party. But you know Mr. Raju has said, "I do not want to undertake to form a Government. I want to go to the people." So, if you eliminate Mr. Raju's group of seven or eight Members,—I suppose it was seven on that day—and I presume it is still seven, because such variations take place often—out of the 69, there would be 61 or 62 left against 68 Government Supporters. Could the Governor call upon a group of parties whose total number does not exceed 60, with all the attached and detachable persons, to form a Government, especially when Mr. Raju, the disciple of Acharya Kripalani, himself comes forward and says, "No, I do not want this alternative Government. I want to go to the people." Therefore, there was no other alternative before the Government but to dissolve the House. I would submit also that there is no other alternative before the people of Andhra than to have fresh elections. Actually, many of the hon. Members are aware that the present Andhra Assembly was not elected after the formation of the Andhra State. It was part and parcel of the old Madras Assembly. The members representing the Andhra area have been removed from that Assembly and were asked to form an Assembly of their own. The issues directly affecting the Andhra State were never exclusively before the electorate at the time of the last general election.

Now, my friends, particularly Mr. A. K. Gopalan and some other Members have been challenging, "We will win the election." Then they should be jubilant. They should be happy to go to the people. Why should they want an alternate Government on a very unstable basis? What prevents them from going to the people. A chance has come to them to get all the seats for their own party. The truth of the matter is that my friends are not happy that the elections are coming. They are not quite sure about the result. Whatever they may say now, it is very easy to be very challenging and all that—this is the one test—if they are sure of winning the majority of the seats in the Andhra Assembly, they would never be so diffident as they are now in facing the elections. It is very clear from the wording of their amendment. They do not want to face the electorate. Otherwise, why should they go on insisting that an alternate Government with attachable and detachable membership be formed? I am not surprised that our friends are not so jubilant about the coming elections. Whatever be the differences among the Congressmen there, one thing is definite. When it is a question of elections and the fate of the province and the fate of the country, there will be no disunity among Congressmen. I am quite sure of that. Do not bank too much on our disunity. (*Interruptions.*) Mr. Gopalan said that it was a party crisis. Even if it is so, why should he worry. We will set it right; it is not for him to worry about it—"our" party crisis, as he said. Sir, I submit that the course taken by the President on the advice of the Governor is the only proper course and that democracy and democratic principles as understood by us,—not as understood by Mr. Gopalan,—have been rightly upheld.

Shri Asoka Mehta (Bhandara): I had hoped that the Home Minister in the course of his observations would explain to us why the Proclamation of the President became necessary. We are told that as far as the dissolution is concerned, it has been announced on the advice of the Ministry that has resigned. There is the other part of the Proclamation where the administration of that State is sought to be taken over by the President.

As far as the dissolution of the Assembly is concerned I am wholly in favour of it. Not only do I welcome the dissolution, but my colleagues have been favouring the dissolution of the Assembly for a long time. When Mr. Prakasam was a member of our party executive, plenary powers were given to him to decide a suitable policy for Andhra. He was advised by my executive on early elections. One of the things that we insisted upon was early elections because we felt that the existing Assembly in Andhra did not represent the people of Andhra, conditions created after the separation of Andhra Des. After the emergence of the Anhdra State we demanded fresh and early elections. If we had been permitted to have our way, perhaps the elections would have come a year back. But as you are aware, the Prime Minister of this country in his capacity as the Leader of the Congress Party, indulged in and embarked upon politics of piracy. If, in Andhra, we find today Home Minister's supporters talking about associations and dissociations, attachments and detachments, if they can indulge in sarcastic observations about different parties, the reason is that the Leader of the House, in his capacity as the Congress President, indulged in politics of piracy. He undermined the democratic standard of political life in that State and if the State is suffering today, the responsibility must lie squarely on the shoulders of the President of the Congress......

An Hon. Member: No, no.

Shri Asoka Mehta: Having done that, having disrupted various parties and having decoyed people by offering them positions and plums of offices, they have created a condition where, in that State, evidently everything is to be decided by such means. What is the result today? In order that the Congress Government may vindicate itself before the people, it wants to abdicate, to give up the responsibility that is its. It wants to create a constitutional crisis where no constitutional crisis exists. Article 356 provides for in cases of failure of constitutional mahcinery. Has it failed in the State? Where has he told us? Where has the Mover of the Resolution given us the information whereby we would be able to draw the conclusion that the constitutional machinery in the State has failed? What happens under a parliamentary democracy when a vote of no confidence is carried against the Government? There are two alternatives: either the Government can recommend the dissolution of the legislature or the Government can resign. It cannot be both the things My friends on the other side have quoted a large number of authorities. I have also a number of authorities here. What do they say? As Keith has pointed out, there are only two alternatives: "Two further points should be noted. Firstly, defeat on a vital issue can be followed either by resignation or by a request to the Crown to dissolve. Resignation will almost invariably, however, as we shall see, involve subsequent dissolution......A dissolution is normally necessary if, on the resignation of its predecessor, a new Government is formed." In any event, resignation usually leads to dissolution but some Government has to advise. Some Government has to remain in power. If a Government resigns, then an alternative Government has to be formed. It is not open to the monarch, it is not open to the Crown to carry on the work on his own. On this question, a lot of interesting material is available in British history......

Mr. Deputy-Speaker: Is there any provision in the British Constitution as we have here for the President's rule?

Shri Asoka Mehta: But the machinery has not broken down......

Mr. Deputy-Speaker: We will assume: in exceptional cases, is there no such provision?

Shri Asoka Mehta: So far it has not been proved that an exceptional case has arisen. We are told here that the Ministry advised the Governor to dissolve the Assembly. It is an accepted practice that no Assembly, no legislature can be dissolved without the express advice of the Ministry. Dicey says: "Dissolution must rest upon the advice of Ministers alone. Otherwise no dissolution would be free from ambiguity and speculation as to the degree of responsibility of the Sovereign would be a feature of every election." Thus, dissolution has to be on the advice of some Ministry. It was the Ministry that advised. But the Ministry cannot advise and resign; it has to continue in power; it has to shoulder the responsibility. Having resigned, it must remain in power because if a Ministry wants to resign, either an alternate Ministry has to be formed or it has to carry on.

You will remember that in 1875, Disraeli was able to defeat Mr. Gladstone who was in power. On the defeat of that Ministry, Mr. Gladstone tendered his resignation. Mr. Disraeli was called but he refused to form a Government. When Mr. Disraeli refused to form a Government, Mr. Gladstone was called again and he said: 'The Leader, if sent for, was, in my opinion, bound either to serve himself or point out some other course to Her Majesty which he might deem to be more for the public advantage, and if that course should fail in consequence of the refusal of the person pointed out, the leader of the party could not leave her Majesty unprovided with a Government, but would be bound in loyalty to undertake the task."

Either the Chief Minister has to carry on or if he tenders the resignation, as has been pointed out by my friend Mr. Gopalan, the Leader of the Opposition has to be called. There is no point in saying: we do not know who is the Leader of the Opposition. He is obviously the leader of the largest party. Unless the retiring Chief Minister deliberately wanted to give an advice to the Governor......

Dr. Katju: May I just make it clear lest there should be any misunderstanding? The Governor did call for a meeting with the leader of the Communist Party.

Dr. Rama Rao: I challenge that statement. (*Interruptions.*)

Dr. Katju: He had a talk with him, I meant (*Interruptions.*)

Shri Asoka Mehta: We are not interested in whether they were having a tea party; we are not interested in social chit-chats. What we are concerned with here is constitutional propriety......

Mr. Deputy-Speaker: Is there no difference between our Constitution and the British Constitution?

Shri Asoka Mehta: Our Constitution makes a provision if the constitutional machinery has broken down. It has not broken down because Mr. Prakasam could have continued after advising the Governor to dissolve the Assembly. In case he tenders his resignation, it is obligatory on the Governor to call the other leaders, or some Leader from the Opposition, as I shall explain a little later. Having called that person he would have undertaken the responsibility to form the Government and advised the Governor to dissolve the Assembly. Whosoever advises the Governor, or on whose advice the Assembly is dissolved, will have to look after, or will have to become the Caretaker Government. There has to be a Caretaker Government. The constitutional machinery has not broken down. The Constitution envisages a Caretaker Government when an election has to take place, except when it takes place in normal course due to efflux of time.

Now the Governor of Andhra has stated that the administration is going to be toned up under his control. What does he mean—that a bureaucratic Government is likely to be better than a democratic Government? And does the Home Minister want to suggest that elections would be fair and impartial only when a Governor takes over the Government and not under a democratic government? It was a Congress Government which was led by a person who was decoyed out of our party through politics of piracy. Even then I am prepared to say that under Prakasam's Ministry there would have been fair elections. I was one of those who never criticised the continuance of the Jhon Ministry in the Travancore-Cochin State.

Shri A. M. Thomas: But your Party there condemned it outright.

Shri Asoka Mehta: We want to develop in this country healthy democratic traditions; we want to build up healthy democratic traditions. Nothing is gained by undermining; nothing is gained by pursuing policies of erosion of democratic principles. Why do you permit the Governor to take over control and suggest to the people that this is going to tone up the administration, that it is going to better the administration? Then, why not have Governor's rule for all time? After all what Mr. Trivedi is doing is nothing else but to take a leaf out of the book of General Iskandar Mirza. He talks about "controlled democracy" and Mr. Trivedi is experimenting in controlled democracy. We are not interested in controlled democracy. We are interested in unadulterated democracy. Unadulterated democracy means either that a Government does not resign but advises the Governor to dissolve the Assembly and carries on, or if it resigns, the Governor fulfils the obligation, invites the Leader of the Opposition and permits him to form a Government and even if he is in a minority accept his advice to dissolve and seek the mandate of the people.

Sir, in rare cases there has been an exception to this. In the State of Victoria in Australia the Labour Government was defeated by a vote of no-confidence. When the Labour Government was defeated there were two parties in opposition. The bigger party consisting of a coalition of the Liberal and country groups and a small rebel liberal party. The Leader of the Labour Party advised the Governor to invite Mr. Holland, the leader of the rebel liberal party and he was asked to form a Government because the Labour Party was prepared to support the Government. The Governor was bound to carry out the Labour leader's advice. There are rare instances where the Governor and the Governor-General may not accept the advice of the Government that has been defeated and may not accept the advice of dissolution. In 1926 in Canada when the Government of Mckenzie King was defeated and when he advised the Governor Lord Bain to dissolve the Parliament his advice was not accepted. But what was done? The Leader of the Opposition was called to form the Government and within a week he advised the Governor-General to dissolve the Parliament. His advice was carried out. Advice has to be given by some Government: that is imperative. What is imperative has been undermined here.

After all, section 356 is for exceptional circumstances. Why are you making what is meant for exceptional circumstances the rule? Where have you told us that in Andhra Desa Government could not be carried on? After all, Mr. Prakasam once he had advised dissolution could have carried on. What was the reason for him to resign? The Home Minister has not explained that to us. He reads to us various statements made by various individuals. They do not take us anywhere. There are certain constitutional proprieties that have to be fulfilled, and these constitutional proprieties have not been fulfilled. There has to be a Government headed either by Mr. Prakasam or somebody else. But to remove all democratic Governments and deliberately invite the Governor to take over the administration and create an impression in the mind of the people that a Governor's regime is more democratic, or that under a Governor's regime elections would be more fair and acceptable to the people is to undermine the faith of the people in democratic process

[Shri Asoka Mehta]

Sir, I do not know whether the Prakasam Ministry had given the advice to dissolve the Assembly. Nowhere has it been said.

Dr. Krishnaswami (Kancheepuram): Dr. Katju informed us just now.

Shri Asoka Mehta: If he had given that advice, why was he permitted to resign; under what constitutional propriety was he permitted to resign? Because I find, Sir, that the highest constitutional authorities tell us that if a Government does not advise to dissolve, it is an incompetent Government. Mr. A. B. Keith in his book *"The British Cabinet System"* says (page 207):

> "If a Government is not prepared to dissolve, it confesses, as in 1885, 1895 and 1905, that it has no policy for which it can claim approbation, and so admits that it would be idle to return it to power."

Then again, it is pointed out:

> "To appeal to the electorate means to ask it to *homologate* some policy, and a ministry which is not prepared to ask for a mandate cannot properly appeal. In 1895 it was plainly impossible for the ministry to present to the electorate any definite scheme, for its members were far from united in spirit or aims. Thus, it was plainly better that the appeal should be made by those who had defeated the ministry, and who ex-hypothesi had plans of their own to further."

Who appeals to the electorate, Sir? One who has a definite policy. Had the Prakasam Ministry a definite policy? If that were so, it should have faced the people, it should have faced the people by remaining in office even now, because that is the constitutional propriety. If Mr. Prakasam has no definite policy, if his Ministry does not want to go to the people, then permit some other Government to come up which will go to the people with a definite policy. But he must know that there is a Government, that there is a definite policy on which it has been called upon to vote.

The Home Minister invited the attention of my Leader, Acharya Kripalani, to the fact that the vote of no-confidence was carried on the question of prohibition. It was not on the question of prohibition at all. The Andhra Government had agreed to implement the recommendations of the Ramamurthi Committee, whatever those recommendations may be. Having accepted that, the Government went back upon that acceptance. Here again, Sir, a question of the highest importance was involved. Is it open to a Government to go back upon something which the House has directed it to do? Is it open to a Government to flout the decision of the House? That was the question that was involved.

After all, the Home Minister is aware that my Party is committed to the policy of prohibition,—not prohibition in the way in which the Congress Party carries it on, without rhyme, without reason, without plan,—but prohibition which could be carried out in a manner that it could succeed. We are committed to it. My Leader, above all, is committed to such a policy. Surely, we would not like to overthrow the Government on that question. But we would not permit the flouting of democratic principles, of democratic conventions, and that is what is being done consistently.

The Andhra Government has flouted democratic conventions once; the Andhra Government has flouted democratic conventions again by resigning after advising dissolution, if such advice was ever given. And we are being called upon to approve, we are being called upon to accept such a Proclamation. The acceptance of such a Proclamation would mean that the exceptional provisions of the Constitution which is to be used in rare instances, is sought to be made a regular affair, is sought to be made a sort of a fifth wheel, a spare tyre, of the Indian constitutional carriage. That, surely, was not the view of the Constitution-makers, and that is not the intention, that cannot be the intention of those who want to build up a democratic edifice in this country. It is possible that our friends on the other side are anxious to keep the communists out of office. I can understand and appreciate that anxiety. I have also no desire to put power deliberately and wantonly into the hands of the hang-men of democracy. But, for that you must pursue different policies. You must try and build up the democratic urges and the democratic understandings of the people. You must try to cultivate goodwill, better understanding, better relations, better co-operation between the democratic parties and not go about disrupting parties, pursuing politics of piracy, not go about decoying people with offices and plums of power. That is not the way in which you can ever hope to build up a democratic climate in this country. I am second to none in this House in my opposition, in my stout-hearted opposition, to the communists. But in my opposition to the communists I am not prepared to undermine, to give the go-by to the conventions of the Constitution; I am not prepared to surrender the democratic rights of every single Member of the Legislature in this country. If the communists are to be kept out of power they must be kept out of power by fairplay, not by the methods that have been pursued, as have been pointed out by my friend Mr. Gopalan, in different States in this country.

Learn to rely upon the people. Have faith in the people. Depend upon fairplay, indulge in fair politics, and you will find that the communists will not be able to triumph in this country. Because the people in this country have a sound democratic conscience. But you are only interested in power. You are only interested in preserving power by all means. You are prepared to disrupt and destroy other parties in your mad pursuit for power and you are even prepared to ride rough-shod over the Constitution.

Mr. Deputy-Speaker: The hon. Member should address the Chair.

Shri Asoka Mehta: We, Sir, are prepared for all things, but we hold our Constitution dear. Above all, we hold the democratic method that we have accepted as of sovereign importance, and we shall not permit you to treat it in the manner in which you have been treating it.

The Home Minister has come forward with this motion. The dissolution I can understand; but the proclamation has no meaning, no basis, no reason. And therefore I find it very difficult to accept the resolution that he has brought forward. And, as the Speaker has told us, as full facts have not been placed before us it is not possible for us to accept the resolution. Even in his speech he has relied upon press cuttings and press clippings. The information is much less than the information I have from my colleagues. I find with such meagre information, with such step-motherly attitude on the part of the Home Minister it is impossible for me and my colleagues to support or to approve of the resolution that he has moved.

Dr. Lanka Sundaram: I regret to say that the debate beginning with the statement of my hon. friend the Home Minister up to the moment has become some sort of a preliminary or pre-election skirmish between political parties, with the result that the proclamation has been completely lost sight of.

As I tried to point out to the Speaker earlier in the day, under paragraph 2(b) the President says:

> "I hereby declare that the powers of the Legislature of the said State shall be exercisable by or under the authority of Parliament".

The straight issue for us to debate today is this. With the promulgation of this proclamation, with the assumption of power by the Governor under the authority of the President, where does Parliament come in? We are

[Dr. Lanka Sundaram]

sought to be burdened here with responsibility for the administration of a State without an opportunity for discharging that responsibility.

You will also see, Sir, that when the hon. the Home Minister was speaking I drew attention to paragraph 2(c)(iv) where the date for the general election was left delectably vague, the phrase being "shall be held as soon as possible".

With your permission I would like to examine these two sub-clauses of the proclamation. Whenever a dissolution of a legislature takes place after the fall of a cabinet or a government, the date for the election is announced. My hon. friend the Home Minister unfortunately glided over this very important point. The Delimitation Commission's order has been promulgated. God alone knows when the constituencies will be delimited in Andhra Desa. I am most anxious that no argument will be used at a later stage to postpone elections. I am aware of the statement made last Monday by the Governor of Andhra, about some election dates. What is the mandatory value of those declarations? That is why I asked him earlier this day for a specific assurance to this House fixing the date of elections.

There is almost poetic justice for me to intervene this afternoon in this debate. You, Mr. Deputy-Speaker, and most of my colleagues from the South know that after the Andhra State Bill was passed by this House, I campaigned—I use the word deliberately—I campaigned from Madras to Visakhapatnam telling people that there is no chance for a stable government in Andhra, there must be elections forthwith. With the result, you, Mr. Deputy-Speaker, would remember that I incurred the wrath of my political *guru* —as he is the political *guru* of every, what you call, intellectual Anhdra—Mr. Prakasam. He said I should not have said what I was saying then after the Bill was passed. (*An hon. Member*: Take lessons from him.)

To take the point of my friend Mr. Asoka Mehta, certain political permutations and combinatons which have come into public life have also, I regret to say, come to vitiate the fountains of our Constitution. But that is not a point for me to proceed with at the moment.

This Parliament is saddled with the responsibility for the administration of Andhra. I do not know how this hon. House can discharge that obligation.

Mr. Deputy-Speaker: Is it because it is so far away, whereas we were able to do so in the case of PEPSU which was near?

Dr. Lanka Sundaram: Would my hon. friend make a periodical statement to this hon. House, till the elections are held, as to the manner in which the Governor is discharging his obligation?

Dr. Katju: What would you like me to do? Please tell me. I would do it.

Dr. Lanka Sundaram: I would ask you exactly to implement clause (b) here in this proclamation. How do you propose to implement it? I would ask you to make a periodical statement to this hon. House. If you give me that assurance I am satisfied.

Dr. Katju: Periodically, every six months?

Dr. Lanka Sundaram: Every month for example, before elections.

Dr. Katju: I am talking seriously. I shall look into it and try to satisfy the hon. Member and the hon. House.

Pandit Thakur Das Bhargava (Gurgaon): We have been discharging these functions in regard to PEPSU and we had a Committee of the Members coming from that State, and it functioned.

Dr. Lanka Sundaram: I am grateful to my hon. friend Pandit Thakur Das Bhargava for this intervention.

The Governor said: "no Advisers." I am not asking for an Advisers' regime. I am asking that the effective carrying on of the Governor's rule should be in the interests of the people. I want you to prove it to this House under the proclamation. What my hon. friend Pandit Thakur Das Bhargava has said is extremely right. I am sure everyone will endorse that statement as it will be a mechanism and a method by which this honourable House will be made aware of the developments from day to day in Andhra. And I repeat, this complication of the Delimitation Commission's Order which has been promulgated a few days ago will become such a serious obstacle for holding elections in the manner and at the speed at which they should be held. That is the reason why I am making this point, and I hope my hon. friend the Home Minister would look into the matter, as he promised, and make a statement as soon as he can.

2 P.M.

Let us see the oath of office of a Governor. I refer the hon. House to article 159 of the Constitution. It runs as follows:

> "...I...

that means the Governor—

> ...swear in the name of God/ solemnly affirm that I will faithfully execute the office of Governor... and will to the best of my ability preserve, protect and defend the Constitution and the law......"

The only point which should have been discussed so far, instead of this political skirmishing and of attacks and counter-attacks by political parties including the hon. Home Minister, is a simple and straightforward one. If the Ministry has resigned and the dissolution of the Assembly is to take place, who should continue in power until the elections are held? I have got the deepest suspicion, and I am prepared to own it here without any sense of shame, that groupings and re-groupings will take place in Andhra Desh to the detriment of my people. Speaking for Andhra, I am bound to say and I want it to go on record that......

Mr. Deputy-Speaker: Is it not better to allow it to take place outside the Legislature instead of inside the Legislature.

Dr. Krishnaswami: I was about to say that.

Dr. Lanka Sundaram: With the result that the fountains of public life will be sullied. I shall be satisfied if elections are held early, and I again ask the Home Minister to proceed with it, if necessary to go to the polls under the old delimitation. After all, the second general elections for the country, for the Republic of India, are coming not very far off from now. There is no hurry. Because I am one of the Members of the Delimitation Commission, as an Associate Member from this hon. House, and I know the complications which will be there as a result of an attempt to rush through now with the new Delimitation order.

Mr. Deputy-Speaker: Is it open to ignore the Delimitation Order now?

Dr. Lanka Sundaram: Some way must be found.

Dr. Krishnaswami: It can be.

Shri S. S. More: It is not possible.

Dr. Lanka Sundaram: Actually, several colleagues of mine in this hon. House have been cogitating on this matter, and very soon there is likely to be a motion before this hon. House on the Delimitation Order. But that is a different issue. I do not want to go into it, but I would ask the hon. House to consider this most important point which the hon. Home Minister could not possibly dilate upon, and I do hope he will refer to it in his reply to the debate.

One other regret I have got in this connection. I wished this Government had not fallen on that Ramamurthi Committee Report. This is not the first time the Government has been

[Dr. Lanka Sundaram]

defeated. I can mention four occasions, which you Mr. Deputy-Speaker, know better than I can possibly describe. They were defeated on the salaries question. They held to office. They were defeated on the Capital question. They clung to office. They were defeated on the High Court issue. They did not resign. I am really sorry that this particular question of prohibition, being an article of the Constitution of India, was made a point of dispute which led to the vote of no-confidence. And actually, if you remember, at the Waltair session—the Visakhapatnam session—of the Andhra Assembly a few months ago, the House passed a vote asking for implementation, and immediately the Chief Minister sto[illegible] and said he was not going to implement it. There are conventions which have got to be remembered, and I am sorry to say these are the conventions which have been flouted. On the salaries question, you would recall, the ministry unanimously said: "We will not accept more than Rs. 500 a month", and what happened? After the Bill was passed, an Ordinance was issued by the Governor to raise it to Rs. 1,000. I regret to say as an Andhra that this sort of tactics, this sort of breach of the convention, should not have taken place.

I have only concentrated upon the burdens which are assumed by this hon. House for the good government of Andhra Desh and to have guarantees that the Governor's administration until elections are held and until the new Cabinet comes into existence will be run on lines acceptable not only to this hon. House but to the people of Andhra Desh. I hope the hon. Minister would work out a device whereby these two things can be secured.

Dr. Krishnaswami: I regret very much that attention should have been concentrated in this debate on who should have been summoned to form an alternative Ministry instead of on the main question: Is President's rule called for in the present circumstances? What has happened in Andhra today has to be viewed in the larger perspective of democratic rule and proper constitutional conventions that we are all so much interested in building up, and on which we wax eloquant. My hon. friend the Home Minister seems to assume that President's rule is a matter of routine, that it comes somehow into operation, and that this House need not be unnecessarily perturbed over having President's rule in Andhra. President's rule is a serious matter; it is in effect rule by the civil service.

In the first instance, it increases the responsibilities of this Parliament, responsibilities which it will not be able, I fear, to discharge properly. I, therefore, propose to examine the issues that have been posed before this House strictly from the constitutional viewpoint, leaving to the High Court of Parliament to determine whether the action of the Government is justified or not.

I agree with my hon. friend that an outgoing Ministry has a right to suggest a dissolution, and that the Governor is normally bound to accept that advice. Indeed on this matter there is no controversy. In fact, in 1926 when Admiral Byng refused to accept the advice of Mr. McKenzie King, the premier of Canada, on this matter the issue was raised prominently in a conference of dominions, and it was then held that the Governor-General was bound to accept the advice of the outgoing Ministry and dissolve the Assembly. This was justified on the simple ground that an outgoing Ministry had a right to go to the polls and to appeal to the people. But what we can neither understand nor appreciate here is that having given this advice, the Congress Ministry in Andhra should have turned tail. I regret that this procedure should have been acquiesced in by the Governor of Andhra. But probably there is an explanation for this attitude on the part of the Congress party.

[PANDIT THAKUR DAS BHARGAVA *in the Chair*].

We cannot, I agree, accept all conventions that have been built up in Britain. For instance, in Britain, it is a well-recognised principle that a care-taker Government does not introduce reforms or attempt to interfere with administration. The Congress Government might have felt that even a care-taker Government would have had its motives impugned by the other parties, and therefore refused to shoulder responsibility. If this be so what was the duty of the Governor? And this is the question which I pose to my hon. friend the Home Minister. Did his duty end with accepting the advice to dissolve the Assembly without exploring other possibilities of forming what I would call an all-Party care-taker Government which might have been installed in office? Certainly, the main objection against the Congress Ministry continuing as a care-taker Government, was that the opposition parties might charge it, with perverting the will of the electorate.

Dr. Lanka Sundaram: May I interrupt? When the Governor took over Andhra, he had as advisers three Leaders from three political Parties.

Dr. Krishnaswami: That has hardly any relevance on what I am stating. When I am suggesting that an attempt to instal in office an all-Party care-taker Government should have been made, I am only emphasising the need for proper conventions being built up. A care-taker government cannot interfere with matters of policy and it might even assure the people that within another month or two when elections are held the people's representatives would form a Ministry, and that the Legislative Assembly, would mirror the views of the people. Having said this let me confess that I have grave doubts as to whether we are acting legally in giving our assent to this Proclamation. It is under article 356 that the President assumes powers. May I with your permission, read the relevant portions of the article. It has been pointed out in that article:

> "If the President, on receipt of a report from the Governor or Rajapramukh of a State or otherwise, is satisfied that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of this Constitution, the President may by Proclamation......"

create President's rule.

I want hon. Members of this House, and the Home Minister in particular, to apply their minds to the legal aspect of this matter. The constitutional position has, no doubt, been confused beyond doubt by my hon. friend, but the House, after all, should approach this question in a spirit of clarity. President's rule is a serious matter. We have to satisfy ourselves on the question: "Has a situation arisen in which the Government of the State cannot be carried on in accordance with the provisions of the Constitution."

Shri Pataskar (Jalgaon): Who is to decide this, the Governor or somebody else?

Dr. Krishnaswami: The Governor's satisfaction is afterall subject to our review.

This particular provision is meant to be attracted only when the Governor finds that a Ministry not responsible to the Assembly is expected to be in office for more than six months. If he feels that the period is likely to be anything less than six months, he cannot maintain that government cannot be carried on in accordance with the constitution under article 164 (4), it has been laid down that if anybody is not a member of a Legislature, and he is a Minister, he can continue to be in office for six months. This would be government in accordance with the constitution. Unless Government is satisfied that this period is likely to be beyond six months, there is no ground for the Home Minister saying that he would take Andhra under the President's umbrella, and that it would have automatic shelter. I think it is

[Shri Krishnaswami]

a serious breach of constitutional propriety to suggest that you are going to have President's rule in Andhra when you are envisaging the holding of elections in another three months. It is to reduce the idea of President's rule to a mockery. It is saddling Parliament with unnecessary responsibilities. This helps to make the Governor an autocrat when there is no need for such a being. Here, let me point out to my hon. friend that although we might have nominally the right to supervise President's rule from here, in effect, there would have to be a great delegation of power and authority to a single individual, who would have the power to control the affairs of Andhra, and who may knowing him as we do wield such power to the full.

May I point out something which is germane to the consideration of this subject? My hon. friend has spoken about President's rule in an abstract manner, but so far as the present Governor of Andhra is concerned, I must point out that from the very beginning, he has not been chary of having President's rule. I can speak from knowledge, and I may tell you that at a particular function, which I had the opportunity of attending, the Governor, in a semi-serious mood pointed out that wherever he had acted, as Governor, President's rule had followed in its wake.

Dr. Katju: On a point of order. Are these references relevant? I think they are not.

Shri K. K. Basu: It shows the mentality.

Dr. Lanka Sundaram: Protect the Governor. They are relevant.

Mr. Chairman: I shall just submit one word. So far as the talk with the Governor in some function or in some club is concerned, I think they are not to be brought in this House. After all, this is the Parliament of India......

An Hon. Member: The Governor is not here to reply.

Mr. Chairman: ...and any observations relating to the Government of India are perfectly relevant. I do not think it is allowable to make a reference to what the Governor said in a private function or elsewhere.

Dr. Krishnaswami: I do not intend to cast reflections on the Governor or any other eminent dignitary, who is absent. But I have the right to doubt whether in the circumstances Mr. Trivedi has satisfied himself that conditions for President's rule are there, whether he has genuinely applied his mind for the purpose of satisfying himself.

Dr. Katju: That is his constitutional responsibility.

Mr. Chairman: The only question we are concerned with is whether the cabinet, when the Proclamation was issued, was justified in giving advice to the President that he should take over. The issue is not what the Governor did.

Shri K. K. Basu: He has submitted the report to Government.

Dr. Krishnaswami: I agree we are not here to sit in judgment over the Governor, but we have to take into account all the relevant circumstances.

What does President's rule mean? My hon. friend indicated that it was a small affair that Parliament had already considered one Proclamation in 1951, and another Proclamation in 1952, and that now we are having after all only a third Proclamation in 1954. What I object to is—and I hope all who have faith in democracy will be one with me—the routine fashion in which we are thinking of President's rule. It is as though it is a normal expedient. I could have understand in Andhra the outgoing Ministry continuing in office. But if it had been found impossible for the outgoing Ministry to be in office, even as a caretaker Ministry due to conditions in our country which are peculiar, due to the fact that it would be charged by political opponents of attempting to subvert the electoral machinery, what was there to prevent the Governor of Andhra from having an all party caretaker Government which would after all attend to routine matters of administration, and could not interfere with questions of policy? Instead of that, we have here an instance of an individual being clothed with autocratic authority in indecent haste for a period of three months, and this let it be understood is in contravention of the provisions of the Constitution, especially as the Constitution envisages President's rule only when we are not able to have a Ministry, only when we expect to have a group of advisers not responsible to the Legislature functioning for a period greater than six months. It ought to be clear to any tyro in constitutional law that what we are doing is highly improper, that what we are doing is against constitutional proprieties. I would like the hon. Home Minister to apply...

Shri A. M. Thomas: Are all the parties prepared to come together and take up the reins of Government?

Dr. Krishnaswami: Has the hon. Home Minister told us that an offer was made to all the parties to enter into an all party caretaker Government? We have not had a White Paper on the steps taken by the Governor. Certainly, this is a serious matter and I should have expected the Government to have issued a White Paper dealing with the various steps that were taken to consolidate democracy in Andhra. This has not been done. Today, we are told by the Home Minister that the outgoing Ministry had tendered advice that the Andhra Assembly should be dissolved. This is the only piece of information that we have had, and for this, we are thankful. But what about the other things that ought to have been done? What steps were taken to have a broadbased Government for a period of two or three months—never mind whether one particular party was summoned or not? I can quite well realise the difficulties which any individual would have felt in having one particular party summoned to shoulder the responsibilities of office for a period of two or three months. The same charge that is made against the Congress, that it would subvert the electoral machinery, might possibly be made against another party summoned to assume office. But what was there to prevent an all party caretaker Government? Was this possibility explored? Why should the Central executive take upon itself the responsibility of administering Andhra even for a period of three months? Why should Parliament have responsibility for administering the affairs of Andhra? I would regret very much this House passing this measure without giving thought to constitutional proprieties that have to be built up. Unless we are able to build up constitutional conventions, unless we respect constitutional proprieties, I venture to think the Constitution will have little or no value. I yet hope that when the hon. Home Minister has the opportunity of replying to the debate he may throw some light on how far the Governor of Andhra has really exerted himself to explore the possibilities of having an all party caretaker Government. Such a Government, my hon. friend must realise would not be concerned with questions of policy; indeed, it would be more like an enlarged administrative civil service, rather than a Ministry initiating policies. Even in England, as you are aware, Sir, once a Ministry recommends dissolution, for the next 21 days or 28 days or two or three months, it is not concerned with any question of policy. We have to build similar conventions in this country. If conventions are accepted as a rule of conduct, people will have confidence in our sense of fairplay and would feel that democracy is live and vital, that President's rule if it is ushered in at all anywhere in India is ushered in only because the resources of democracy have been temporarily exhausted.

Shri A. M. Thomas: Sir, I am surprised that the Opposition itself is not united on this issue. Shri Gopalan, leader of the Communist Party says

[Shri A. M. Thomas]

that it was the bounden duty of the Governor to call the Opposition leader and then ask him to form the Government. Shri Asoka Mehta says that the Governor was perfectly right in accepting the advice of the outgoing Ministry and then ordering a dissolution of the Assembly. Shri Asoka Mehta also casually mentioned that he was in favour of the Congress Ministry, that is the John Ministry, continuing in Travancore-Cochin after that Ministry had advised the dissolution of the Assembly. I am bringing to his kind notice that this was one of the main attacks levelled aganist the Congress party at the time of the elections by his party there, that the Congress Ministry, having lost the confidence of the Assembly continued in power. That was perhaps the main reason for the defeat of the Congress Party in that State. I would say, Sir, that the PSP leader, the present Chief Minister of Travancore-Cochin, in and out of season was attacking the Congress Ministry for continuing in power after the vote of confidence had been lost. I have not read in the papers of Shri Asoka Mehta coming forward at that time correcting his friends in Travancore-Cochin.

Apart from that aspect coming to the first point raised by Shri Gopalan, we have got a written Constitution. Of course, that is modelled on parliamentary democracy and, on all appropriate occasions, we can certainly import the conventions that have been observed in countries like the U.K. But, we should, at the same time understand that in western countries like the U.K. we have got two or three organised parties functioning there and not splinter groups, so that it would be very easy for the sovereign, after the leader of one party has submitted his resignation or after a vote of no-confidence has been passed against the Ministry, to call the Opposition leader and then ask him to form the Ministry. That has not been the case in Andhra. The head of the State has to be satisfied that a stable government would be formed. I would invite the attention of this House to some of the observations mentioned by the noted author Alpheus Todd in his book *Parliamentary Government*. I am reading from page 801. It is not incumbent on the Governor on all occasions to call the leader of the Opposition party to form the Government as will be seen from the extract that I am just going to read. He states:

> "It is the duty of a governor to consider the question of a dissolution of the parliament or legislature solely in reference to the general interests of the people and not from a party standpoint. He is under no obligation to sustain the party in power if he believes that the accession to office of their opponents would be more beneficial to the public interest. He is therefore justified in withhoding a dissolution requested by his ministers, when he is of opinion that it was asked for merely to strengthen a particular party, and not with a view to ascertain the public sentiment upon disputed questions of public policy. These considerations would always warrant a governor in withholding his consent to a dissolution—applied for under such circumstances, by a ministry that had been condemned by a vote of the popular chamber. If he believes that a strong and efficient administration could be formed that would command the confidence of an existing assembly, he is free to make trial thereof, instead of complying with the request of his ministers to grant them a dissolution."

Sir, the possibility of a strong and efficient administration is a condition precedent and it is a matter within the discretion of the Governor. He must be satisfied and he must believe in its possibility. It is not obligatory to call the Opposition leader even if he commands only a small number of adherents—and although a strong and efficient administration could not be formed that would command the confidence of the existing Assembly (*Interruption*). I would submit that in all fairness after the statement of facts made by the hon. Home Minister, and especially after the statement that the leader of the Praja Socialist Party there has given to the Press—it has not been contradicted by Shri Asoka Mehta here in his speech so that that statement must be taken at its face value—it would have been much better for Shri Asoka Mehta as well as Shri Gopalan—as has been done by my friend Dr. Lanka Sundaram, who has not cared to move his amendment, and not only that, he has nothing to say on the lines that the Governor has not observed the constitutional precedents and conventions and he has not a word to say against the action of the Governor—to have followed that action of Dr. Lanka Sundaram. He has even said that he has absolutely no case to put forward and he has not cared to move the amendment. I thought that hon. Members from the Opposition would have followed that step of Dr. Lanka Sundaram (*Interruption*). It is not correct to say that it was incumbent on the Governor to call the leader of the Opposition. If at all there was an Opposition leader and if Mr. Nagi Reddi was the Opposition leader, it was not compulsory on the part of the Governor to call Shri Nagi Reddi to form the government.

I would also say that when the articles empowering the President to dissolve the Parliament and the Governor to dissolve the Assembly came up for discussion, amendments were moved to the effect that there must be a safeguard that in case a Ministry is defeated, a chance must be given to the Opposition leader to form the government. At that time, what the person who piloted the Constitution Bill—Dr. Ambedkar—stand is very relevant for our consideration at present. He also said that the convention would certainly be observed in appropriate cases, and there is no necessity of incorporating a particular clause. At the same time, he also expressed the sentiments that have been given expression to by the learned author Alphens Todd in his book. Dr. Ambedkar has stated, if the King felt satisfied to induce the Leader of the Opposition or any other member to accept the responsibility for carrying on the Government he was not bound to dissolve the House. He continued; "In the same way, the President of the Indian Union will test the feelings of the House, whether the House agrees that there should be a dissolution or whether the House agrees that the affairs should be carried with some other leader witout dissolution. If he finds that the feeling is that there is no other alternative than dissolution, he would, as a constitutional President, undoubtedly accept the advice of the Prime Minister and dissolve the House. Therefore, it seems to me that the insistence upon having a document in writing stating the reasons why the Prime Minister wanted a dissolution of the House to be useless and not worth the paper on which it is written. There are other ways for the President to test the feeling of the House and to find out whether the Prime Minister was asking for the dissolution for *bona fide* reasons or for purely party purposes."

My humble submission is that when the feelings of the House have been tested by the Governor by the fact that the Congress party which was in power was not prepared to continue in office but advised the dissolution of the Assembly and one other party, the PSP which supported the no-confidence motion also says the only thing that has to be done is to go to the polls and ascertain the will of the people, there is no other go. In this case the Governor was perfectly right in advising dissolution of the Assembly and reporting to the President that there has been a breakdown of the Constitution. **Shri Asoka Mehta** says that what the Governor should have done is to dissolve the House

[Shri A. M. Thomas]

and ask the Prakasam Ministry to continue. The Deputy Chief Minister of Andhra said in so many words that he would not be prepared to continue in office and he was not also prepared to face the consequences which the John Ministry in Travancore-Cochin faced. The party in power was not prepared to continue; the PSP said that the only way open to the Governor was to dissolve the Assembly and to ascertain the will of the people. Shri Gopalan, the leader of the Communist Party, was fair enough to state that his party wanted fifteen day's time. Therefore, it indicated that at that particular time it was not prepared to come forward and tell the Governor that it will be in a position to command a majority; therefore it must be given a chance to form the Government. The Krishikar Lok Party—Shri Ranga's Party—said that it had no opinion to offer in the matter and it was therefore indecisive. Under the circumstances my humble submission is that the feelings of the House as constituted have been ascertained by the Governor and the Governor was perfectly right in recommending to the President to dissolve the Assembly; and also in further recommending that since a breakdown of the Constitution has been effected the President has to take over the administration.

Sir, I do not think that there has been anything wrong or unconstitutional in the procedure that has been adopted. It may also be borne in mind that, although within three hours of the passing of the no-confidence resolution, the Prakasam Ministry tendered its resignation, the Governor did not act in a hurry. He took so many days. He ascertained the wishes of the House. He met several leaders of the parties and it is only after consideration of the facts and circumstances obtaining in Andhra that he took the step of dissolution of the Assembly and recommending to the President the step he has taken.

Sir, I support the Resolution and it is, I should say, absolutely unobjectionable.

Dr. Gangadhara Siva: Sir, I rise to support wholeheartedly the Resolution moved by the Home Minister and also the Proclamation issued by the President at the right time and the right hour to avert the persistent *golmal* that has existed in Andhra, in season and out of season. As a matter of fact the hon. Home Minister has already narrated the mathematical—or whatever it may be as Mr. Gopalan said—and other various aspects of the party position in Andhra. The vote of no-confidence moved was with regard to the question whether prohibition should continue or it should be scrapped. It is on this issue that the Ministry was defeated. Under the existing circumstances the President has entrusted this infant State to be nursed under the guidance of the most eminent and able administrator, Shri Trivedi, and to safeguard the interests of Andhra till it is handed over to the party which may come in a majority to the Assembly. This infant State is now under a coma on account of the very resolution that was moved by the opposition party which wants that prohibition should be scrapped. It is on that score that the Ministry has resigned. It is quite evident that they are not craving for office. Now it is open to both the parties to contest in the open election and prove their strength. This proclamation by the President is based on truth and truth alone. Let not my friends suspect the *bona fides* of the proclamation in the least. There is a proverb: "Speak the truth and shame the devil". This is with regard to the scrapping of prohibition. It is laid in the Constitution, that prohibition, wherever possible, must be adumbrated in States. It is on this question of principle that the Congress Ministry has resigned and said that it will under all circumstances uphold this principle and face the elections before the electorate.

Sir, I would like to inform my opposition friends, that one of my opposition friends told me: "We have got a weapon. Do you know what is that weapon before the electorate? We will have one tumbler of toddy in the right hand and one empty tumbler in the left hand and ask the people: 'You want to vote for toddy or to a man who will not give you toddy?'"

Shri Nambiar: This is unfair......

Mr. Chairman: I would request the hon. Member to be relevant to the Resolution.

Shri Nambiar: Nobody said like that. Who is that Member?

Dr. Gangadhara Siva: The immediate cause for resignation by the Ministry in Andhra was this question.

Shri Nambiar: We want to know the name of that Member.

Mr. Chairman: Order, order. Does he mean to say that none of the opposition Members had a talk with that hon. Member? Nobody can say that. I do not know what is the use of knowing the name of the Member? It amounts to saying that the hon. Member does not believe what the other hon. Member has said. I do not want that this question should be asked. But, I would request the hon. Member to be relevant to the issue. This has no relevancy whatsoever to the Resolution as to what will be the future programme of this party or that party.

Dr. Gangadhara Siva: This infant State as I said is now in a coma. Its activities will be revived soon after the elections are over.

Under these circumstances, I whole heartedly support the Resolution.

Shri C. R. Narasimhan (Krishnagiri): Sir, all criticisms and attempts were made to show that in dissolving the Andhra Assembly the Governor was more or less partial to the Congress Party; that is how I understand the criticism. I make bold to say that if the Governor had not dissolved the House as advised by Shri Prakasam he would have been accused of partiality. I would try to explain my statement. It is very easy to understand my claim, if one puts oneself in the position of the Governor. Here, the Ministry which is now defunct, went to the Governor and asked for dissolution. Supposing, as suggested by the other side, the Governor declined to dissolve the Assembly and called another party to form the Government, then that party comes to power and starts functioning. We all know how intriguing the party position is. Dr. Katju gave detailed figures to prove it. There was talk of political piracy as if party members could be bodily lifted and taken to another party. So, the Governor will naturally expect that the succeeding Ministry also will be thrown out of power by a vote of no-confidence. Then what happens? Supposing that succeeding Ministry also asks dissolution, is the Governor expected to accept or not? Supposing he accepts, will we not say that the very same request was not granted to the previous Ministry when it asked for it whereas the same is granted to the succeeding Ministry. If he had acted like that, we would have certainly said that the Governor was partial. That is what I want to point out here. Therefore, instead of waiting for another Ministry to come in; go out of office asking for dissolution and the Governor granting it which would again mean partiality, he has done it now itself. Therefore, I say, the Governor acted in a perfectly reasonable way. That is why we have seen in other countries when a Ministry asks for dissolution of the Parliament and ask the soverign political body, namely the electorate, to give guidance to the Government it is very reasonable for the Head of the State to accept it. Therefore, I say that the action of the Governor of Andhra was perfectly right and I say that if he had acted otherwise it would have amounted to a partial attitude. We must also know that the Governor's rule is not totally undemocratic. We are here. We have power to interfere in important questions of day to day administration. Other democratic methods could also be found out.

[Shri C. R. Narasimhan]

Therefore, to totally condemn it is not at all right.

Somebody suggested that there should have been an all-party caretaker government. I think that the Governor is supposed to be an all-party man and if one section does not believe him to be so, it is very regrettable. I say it has to be accepted that the Governor is an impartial man and Governor's rule is also an all-party rule in a way. That is my claim. How can we have an all-party Government when parties within a legislature could not agree to run an alternative Government. They voted the Ministry out of office and could not themselves agree to run the Government under one leadership even for care-taking purposes. There is no surprise that the Government considers this suggestion impracticable.

Another constitutional point is this. An aspect of the matter was discussed by a Member on the other side of the House. I rather hesitate, but I have to mention in passing that this kind of Governor's rule to be brought about every time a Ministry is voted out of office cannot be a permanent solution. What is more, if that is accepted, are we going permanently to accept a proposition that every time a dissolution is asked for, the President's rule should be enforced?. Is it to be the formality in the future. I would like the constitutional pandits, inside and outside the House, to consider that aspect of the matter. After all, if that is to be accepted, what happens? Take the case of the Centre. They have a democratic form of Government here. Of course, it takes a lot of stretching one's imagination to do it, but supposing, the Government at the Centre is voted out of office and a dissolution is asked for in the Centre, is that Government to continue till the new Parliament is brought into existence, or is a Caretaker Government or President's Rule to function in the Centre? I do not think there is a constitutional provision for Caretaker Government in the Centre. Therefore, why should States have a different form of democratic procedure and practice and why should there be such invidious distinction between the democratic procedure in the Centre and the democratic procedure in the States? Therefore, I would like to know why the Prakasam Ministry was not allowed to continue till election. That would have been quite all right and that Government could have ignored all......

Mr. Chairman: Who did not allow that Government to continue?

Shri C. R. Narasimhan: Why was the Prakasam Ministry sent out of office instead of waiting for election to be completed? Was it at its own instance that it went out of office? I would say that the Prakasam Ministry, by not continuing in office, has endeared itself further to the people. That is why I found people on the opposite side—even Shri Asoka Mehta said—that that Government could have continued till the completion of election. Therefore, I imagine that by that very act of going out, the Prakasam Ministry have proved their *bona fides*, and that is an indication that in the coming elections they will succeed.

Shri S. S. More: The present Proclamation has aroused much thought. I feel that we are in an elementary stage of our democracy and it will be very worthwhile for us to analyse and scrutinise the relevant Constitutional provisions as dispassionately as possible. Now, the first question that I want to put is, has the President, in issuing a Proclamation under article 356, any right to dissolve a legislature? I would refer you to certain provisions of the Constitution. Article 83 refers to the duration of life of Parliament, particularly, the House of the People. In the life of a legislature, dissolution comes by two ways: either by the expiration of the full period allotted to it; in which case the House is dissolved because the term has expired, or, in the meantime, for certain accidents, emergencies, the presiding authority or the chief executive authority of the dominion or the Union might dissolve the Parliament. The concerned article is 85(2). The President has issued this order under article 356. Now, what are the powers of the President himself? Our President is a constitutional head and he has got wide and extensive powers but only those given by the Constitution. So the first question that we will have to analyse and scrutinise is whether the President has exceeded his powers or has acted within his powers. That will be the first question. Take, for instance, the Proclamation that he has issued. Sub-clause (iii) of the Proclamation says that "the legislative assembly of the said State is hereby dissolved". Who is the competent authority for dissolving a State Legislature? I refer you to article 174(2). It says·

> "(2) The Governor may from time to time—(a) prorogue the House or either House, (b) dissolve the Legislative Assembly."

In this case, the Governor has not acted under article 174. On the contrary, if you read the Proclamation of the President which is under consideration, you will find that article 174 has been suspended by this Proclamation. So, the Governor ceases to have any right to dissolve the State Legislature as that right is suspended.

The next question will be: has the President any right of dissolving the State Legislature by any order under article 356? My submission is—I have gone through that article carefully—I find that there is no such power to the President under article 356.

Dr. Katju: The power given to dissolve the Legislature?

Shri S. S. More: The section reads thus:

> "(a) assume to himself all or any of the functions of the Government of the State and all or any of the powers vested in or exercisable by the Governor or Rajpramukh, as the case may be, or any body or authority in the State other than the Legislature of the State;"

My submission is that the President has assumed to himself the powers of those authorities as mentioned. Now, he has suspended certain provisions which belong to Part VI of the Constitution including article 174. That suspension might also result in suspension of the legislature, but it cannot entail the dissolution of the House. That is my contention. It might be said, well, a vacuum has been created. So many powers given to the Governor and other authorities are not exercisable during the period of this Proclamation and even the State Legislature might stand in a suspended stage.

I will now refer to section 93 of the Government of India Act, 1935. In 1937 the Congress came to power in the different State Legislatures. Then, in 1939, after the war was declared, the Congress could not carry on the administration for so many reasons and the Congress Ministries resigned. Then, section 93, which is similar to our article 356, came into force. Our article 356 is practically a carbon copy of that particular section 93 of the Government of India Act, 1935, with only two changes. The proclamation issued under Section 93 was required to be approved by the Parliament in the United Kingdom and the proclamation could be issued by the Governor of the State. Here under 356, it is the President who can issue this sort of proclamation and for the approval of that proclamation, it has to be laid before this Parliament. With these two minor differences which are more of terminology, because things have changed and these changes have become necessary, there is hardly any difference between the wording of section 93 of the Government of India Act and article 356. Under the Proclamation issued by the Governors of the different provinces under Section 93 of the Act of 1935,

[Shri S. S. More]

I would say that even after the suspension order, some members remained in the legislatures and some other steps had to be taken to dissolve the legislature. No State legislature was dissolved under any orders issued under section 93—that is my contention.

That is the precedent. Article 356, which, as I have said, is a carbon copy—that too a blurred carbon copy—of the original Act, gives the President the powers and rights that were given under section 93. This is my first submission. I feel that this particular order of the President or this part of the order by the President is *ultra vires* of our Constitution and is beyond the powers endowed upon the President as the chief excutive authority of this country.

The President says that he is satisfied. Is he satisfied? When this House proceeds to set its seal of approval on the Proclamation, it has every right to go into the material which was placed before the President and which brought about this particular mental phase of his, the phase of being satisfied regarding the necessity of such a step. My submission to you is that this House is the supervising authority, the revising authority and the approving authority and the President is only the executive head of this Union. But this House will sit in judgment over the President and therefore, I would say that, if he says that he is satisfied, is it not absolutely essential and necessary that the supervising authority which is asked to give approval should be kept in possession or appraised of all the relevant material that was made—available when this satisfaction was brought about? Take an instance—you are well versed in the Criminal Procedure Code. Section 145 of the Code requires that when any order has to be issued by a Magistrate he has to be satisfied about the posibility of a dispute; the word satisfaction is there. Take the instance of the Preventive Detention Act. There the detaining authority has to show that he is satisfied and there are so many judgments of the Supreme Court, the Federal Court and the High Courts which say that the supervising authority or the revising authority must be satisfied that the officer concerned had applied his mind and had sufficient grounds before him to come to a particular conclusion. Now, my submission is that, if this House, as far as this particular matter is concerned, has to come to the conclusion in giving its approval that the President had sufficient grounds with him for being satisfied, is it not necessary that all the material—relevant material—on which this satisfaction is based—this super-structure of satisfaction is raised—should be placed before this House? I mean—the Governor's report and other information. Governor's report is declared to be a confidential document. It is as absurd as a First Class, or a Second or a Third Class Magistrate saying: "we cannot give to the High Court—the revising authority—the documents on which we have come to a decision because we think those to be confidential documents." It is a travesty of justice. If I keep the superior authority in ignorance and try to obtain their approval—these are methods other than democratic. That is my submission ...... (*Interruptions.*) Acharya Kripalaniji says that it is steam-roller method. 'Very heavy steam-roller' is the addition by Mr. Chatterjee. We say that we are standing for democracy.

We have taken the oath of allegiance to our Constitution with some mental reservations as we disagree with some of the provisions of the Constitution. And yet we stand by the Constitution and it is also the main function of the party in power to stand by the Constitution. Otherwise, they are untrue to the oath which they have taken...... (*Interruptions.*) My submission is that this is not fair. When we ask for information from the Ministers incharge, they do not give the information. They seem to answer: "we treat it as a confidential document we have got a majority of our own, we shall go our own way. in a steam-roller fashion; we do not care for the opposition". They may not care for the opposition but at least they must care for the country at large; they must care not only for the opinion of this country, but the world opinion, in the opinion of which Pandit Nehru is trying to rise to eminent heights.

I do not know whether you were in the House—the Deputy-Speaker was in the Chair. I asked whether the resignation submitted by Mr. Prakasam will be made available to us. The Governor himself held a press conference where he has said certain things. In those statements, he says that Mr. Prakasam submitted his resignation and did not offer to carry on. He does not say that the outgoing Chief Minister advised him to dissolve; it is a question of fact. I have the greatest regard for the Home Minister—I am prohibited to mention him by name—but I am not prepared to accept his statement in spite of all my respect. When a man takes a partisan attitude truth is the first suffered at his hands. The Governor is a responsible officer and he will not fail to mention a very relevant fact and an important fact from the constitutional point of view if Shri Prakasam had asked him and had given him the advice to dissolve the Assembly. We cannot verify the fact of such an advice tendered unless we see the resignation itself. I would suggest that the letter of resignation was there and the advice followed. If such is the order of the contents of the letter of resignation, is the advice constitutionally competent advice? Then, it is the advice of a Minister who has resigned. If a Minister's advice is to be binding on the constitutional head, he must tender that advice before he resigns or even without resignation the advice must take precedence and then resignation should follow, if the advice is not accepted. If at the concluding part of the letter of resignation, he has given some advice it is not the constitutional advice of a Chief Minister, it is the pious advice of a friend of the Governor, possibly. So, the letter would have been a relevant document and yet Government is not inclined to produce that letter for the knowledge of the House.

3 P.M.

There is another point. It is said that we must fall back upon some parliamentary practices prevailing in other countries. Many eminent friends on both sides have quoted Jennings and other authorities about parliamentary democracy. But is parliamentary government in operation only in the United Kingdom? Is it not in operation in Ireland, in the United States, in Canada and Australia? Does the Constitution mention the country whose practice we are to follow in this respect. Take for instance article 105. Whenever the Constitution-makers thought it necessary that this House should follow a particular precedent or a particular practice, they were particular to say so. In article 105, they have stated that the powers, privileges and immunities of Members of both the Houses and the Committees shall be those of the House of Commons. Constitution, on many points, is wonderfully non-committal. Take, for instance, articles 74 and 163. Nowhere is it laid down that the President of the Union or the Governors of the State shall call upon the Leader of the party in majority to be the Chief Minister. Nowhere has it been said so. Under the English practice, on many occasions Leaders of even minority parties have been called upon to shoulder the responsibilty of Government and that has happend even here. Take, for instance, Travancore-Cochin. What is happening there? The P.S.P. people are in power, but they are only 19 in a House having a total membership of nearly 118 or 120. A tiny party of less than twenty members in the House has been saddled with the responsibility of running the Government because the Rajpramukh had perfect freedom to call upon any person to be the Chief Minister. What would happen if certain measures of theirs are de-

[Shri S. S. More]

feated in the House? Then there is no alternative to resignation. But even this practice of resignation by a defeated Cabinet is a matter of hallowed convention. I have cared to read many authorities on Parliamentary practice and they have stated that it is not a categorical rule that every defeated Ministry must go out. There is no obligation on their part. It is the fear of consequences that makes them go out, because the majority which is against the Cabinet will refuse to pass the Budget or refuse to pass any other measure and there will be a deadlock. Resignation is preferable to facing such a deadlock. Therefore, that convention has been evolved.

Let us go to other countries. That practice of entrusting Government, on occasions, to a Minority Party is not uniformly accepted. Ireland is similarly placed like ourselves. In Ireland the Constituent Assembly framed a Constitution in 1922. Article 53 of that Constitution says:

> "...he (referring to the Chief Minister) and the Ministers nominated by him shall retire from office should he cease to retain the support of a majority in Dail Eireann, but the President and such Ministers shall continue to carry on their duties until their successors shall have been appointed."

Well, a Cabinet may be defeated, but till a successor is appointed the President's Government cannot be left in a vacuum, cannot be left to the bureaucratic caprices of civil servants or other authorities. So, a democratically and popularly elected leader, even though he might have lost the confidence of the Parliament, must continue in office. The proviso to the same Article (No. 53) reads:

> "Provided, however, that the Oireachtas shall not be dissolved on the advice of an Executive Council which has ceased to retain the support of a majority in Dail Eireann."

This is a distinct departure from the English practice or convention. There, the outgoing Chief Minister of the defeated Cabinet if he so advises, then the constitutional head, the king. or Governor-General in the Dominion has to accept that advice and dissolve the House. But as far as Ireland is concerned, they have struck a different note. They say: "you are defeated; if you are defeated you do not command the confidence of the House. If you do not command the confidence of the House your advice to dissolve the House cannot be accepted. Similar provisions were accepted by Ireland in their Constitution of 1937. So, the question is: are we going to accept the parliamentary conventions as they prevail in the United Kingdom or as they prevail in Ireland? That is the pertinent question. Who is to make that decision? Under the Constitution it is nobody's job. If there is wide difference in the several conventions, it was up to the Constitution-makers to lay it down definitely and precisely what particular conventions we should follow.

I feel on the merits of this case that if Mr. Prakasam was defeated, or his cabinet was created, and they would tender resignation, then immediate dissolution was not the proper course to adopt. It was obligatory, even according to the English practice—it was categorically binding on the Governor to find out some successor.

Now, much has been said, in a satirical vein, here by the great constitutional supporter of this Government, Mr. Raghuramaiah, and others, about the existence of so many parties, and their sailing under different banners. Non-congress elements are split up into different groups and parties but what is the Congress, after all, Sir? It is not a confederation of groups? I can quote the authority of Panditji. He submitted a report in 1938, and what did he say? He said that there is a Right Wing in the Congress, there is a Left Wing in the Congress and there are groups in between the Right Wing and the Left Wing. The different groups, some representing the capitalists, some representing the big mill-owners and some representing the exploited labour have conveniently come under one banner, because the porridge is in one pot and they want to have their share. Unless they are under one banner they cannot do this. If only these constitutional pandits will care to read a latest book of parliamentary survey to which articles have been contributed by persons eminent in different fields they will find that though in England the two-party or three-party system prevails, during the 1951 elections as many as thirty-seven parties with different labels went to the polls.

Dr. Katju: In England?

Shri S. S. More: Yes, in England.

Shri T. Subrahmanyam (Bellary): How many survived?

Shri S. S. More: I do not know whether the questioner will survive if he goes out of the Congress. His only reason for survival is his being in the Congress.

Dr. Katju: That is the only sensible party.

Shri S. S. More: What is parliamentary government? Harold Laski and some others have stated that it is a government in which the party in power goes on sharing, or distributing the spoils. In England, a party secretary who was a parliamentary whip was appointed to an office and given the designation of "Patronage Secretary".

Mr. Chairman: This is all very interesting. But I would ask the hon. Member to confine himself to the resolution under discussion. There are other hon. Members anxious to take part in the discussion.

Shri S. S. More: I shall conclude in a minute or two. As things stand at present provincial feelings and caste feelings are rife. Even the Congress is not free from these caste feelings. When candidates are put up, they look to the caste of the majority of the voters and pitch upon a person who had no political past nor is likely to have any political future because he belongs to the caste of the majority of the voters. This is nothing but placating the caste feeling. My submission is that in this country with only five or six years of full-blooded democracy, the evolution of a two-party system, in which each party will be a sort of an alternative to one another, is too quick a result to expect. In England even, it is only after two hundred or three hundred years that they have settled down to this two-party or three-party system and there are so many groups inside each party. They say that in America also there is a radical wing in the Republican Party and a reactionary wing in the Democratic party. In our country also if we begin to analyse, every party is a sort of hotch-potch of different interests. If we are here to express our honest and independent opinon in the name of several parties and groups, we should not be made an object of ridicule by those who have joined the Congress Party out of opportunistic motives or for career purposes.

So, my submission is that the Governor has acted wrongly, he ought to have acted in an impartial manner. Are you going to say that the communists are not qualified to take over the responsibility of Government? If that is your conception of democracy, I would say: Ban the Cammunist Party. Prevent them from contesting seats. Once you give them the oppurtunity, once they get elected as the people's representatives, you cannot flout the popular verdict by saying that the Communists are sailing under a red flag and have no faith in our democracy and therefore, under our scheme of democracy such persons cannot came in". My submissinon is that we have not been given the material on which we can come to a conclusion; we have not been given the material on which the President has based his decision that conditions have been created for the failure of the constitutional machinery. As I have already stated the President has acted *ultra vires* of his powers.

[Shri S. S. More]

There is one more point and I will conclude. Under the English procedure when a proclamation to dissolve Parliament is issued, simultaneously with the very proclamation also comes the date for the assembly of the next Parliament. I need not quote the authority; Campion has elaborately stated this rule. In the Manual of the House of Commons Procedure also this rule is given. In this case the proclamation says the elections will be held "as early as possible". What does it mean? They are playing for time. When the conditions are suitable for the Congress Party, the party in power, to face the electorate, they will say that elections will be held. When the PEPSU debate took place on the 12th March, 1953, the late Dr. Syama Prasad Mookerjee was here. He made a very effective speech from the Opposition Benches on that occasion and he said: you will not hold the elections till rehabilitation (and rehabilitation of what?) rehabilitation of the Congress. When the Congress Ministry in PEPSU was first defeated Rajpramukh went to Mr. Rarewala to have another Ministry. This Rarewala group was a reactionary group and yet the Rajpramukh, with the approval of the Union Government, could go to Mr. Rarewala and ask him to form a government. But in Andhra, when Congress is defeated, the Governor is not directed to call on the Communists, who have larger membership in the Legislature than that of the Congress, to form a Government and instead steps are taken to dissolve the Legislature, so the only inference possible is that only reactionary groups are thought fit to be an alternative to Congress Rule.

Dr. Rama Rao: At the outset let me make two points clear. First, Mr. Raghuramaiah played on the words Leader of the Opposition and Opposition Leaders. Let it be known that there is an officially recognised Leader of the Opposition in the Andhra Assembly and Shri Nagi Reddi is the Leader of the Opposition. It is not like calling Opposition Leaders and all that. The constitutional convention when the Government is defeated by a vote of no-confidence is that it is the duty of the Governor to call the Leader of the Opposition and give him a chance to form the government.

The next point I want to correct is, the Home Minister said that the Governor called the Leader of the Opposition and spoke to him. It is not correct, and probably he did not mean it. The Governor did not call the Leader of the Opposition—that was the complaint—as he ought to have done. "Calling the Leader of the Opposition" is a technical, formal, constitutional expression which means inviting him, and it is different from granting an interview to the Leader of the Opposition. The Leader of the Opposition, Shri Nagi Reddi, seeing that the Governor was not likely to call him, requested for an interview and it was granted. That is altogether a different matter from calling the Leader of the Opposition. So the Home Minister in his usual lawyer-like fashion confused the issue. But I may say this, if he has done it intentionally, that it is the greatest mis-representation of facts. In fact it is our main complaint that he did not call the Leader of the Opposition to form the Government.

Then, amongst other things, the Leader of the Communist Party, Mr. Gopalan, has read from Ivor Jennings.

Shri Tek Chand (Ambala-Simla): Misread.

Dr. Rama Rao: He read correctly, and the position is this. This is intended for him and his other lawyer friends! When a government is thrown out as a result of a vote of no confidence, the Leader of the Opposition has to be called and asked to form a government.

Shri Tek Chand: I have got the book here.

Dr. Rama Rao: All right, you can argue.

Shri B. S. Murthy (Eluru): God take charge of the lawyers.

Dr. Rama Rao: Is it not the common, sensible idea of democracy if one government is thrown out by a vote of no confidence that it should be the duty of the Governor to call upon the Leader of the Opposition and give him a chance? Here there is another fact which I want you to remember. In the Andhra Assembly the official opposition, the Communist Party, is not an insignificant group. At the elections they were returned as the largest party; later on of course the Congress got additions. But at the time of the election results, the number was Congress forty and Communists forty-one. Therefore it is almost equal to the number of Congress Members. This fact must be remembered when our friends talk of parties of splinter groups. The Communist Party in Andhra is not a small insignificant group. It is almost as big as the Congress Party. And, as I said, at the time of the elections it was returned as the largest party. In addition there are some Independents who were elected with Communist support and who have consistently voted with the Communists.

Then I want to say something about the Home Minister's remark of hotch-potch Government. Is it going to be a hotch-potch Government only when the Opposition wants to form a Government. What happened to your own previous Government? The Congress were actually in a minority. And then they had the Praja-Socialist Members. They had the K. M. P. P. Members and the K.L.P. Members. Mr. Latchanna was for some time a member of the Cabinet. With all these groups they formed a Government, and it was not a hotch-potch Government as long as Congress was in power! But as soon as the Assembly threw out the Government by a vote of no confidence and the other party had to get the support of smaller groups it becomes hotch-potch and the governor cannot allow it!

This is not going to be the last thing. Hereafter the same situation is likely to arise in many States. When the Congress is concerned they will allow the formation of a Government with the support of other groups, but when it comes to a question of Opposition they say they will not.

I want to say one word about what my friend from Rayalaseema has said, that the Government has been defeated on Prohibition. No. Prohibition is not the main issue at all. That is the last issue. The Government was defeated on many other issues. Because this was a definite vote of no confidence they had to go. There were about sixteen divisions and in five of them Government was defeated. But still they stuck on. Just before the no-confidence motion was put before the House the Congress Ministers went on saying in the State that "either you keep us in power, or you have Governor's rule". That is what they were saying in effect. There were speeches reported saying that if they were to be removed then Governor's rule would come on the State.

So this Governor's rule was envisaged much earlier than the no-confidence motion. I will just read a news item from *The Indian Express* dated 12th November as to how the order for President's rule was made ready even before the President received communication from the Governor. This news item is dated the 11th November and reads: —

> "It is learnt that the President's order has been prepared in the Ministry of Law but would await final touching-up on the receipt of the report from the Governor."

Now, this requires a little explanation, but I do not want to dilate on that. Now, it is true, I admit, that the Governor and the President have special powers to dissolve Assemblies, and take upon themselves the administration and all that, but they are to be used only in critical situations, not merely at the first opportunity. As soon as the Congress Government loses power, it does not

[Dr. Rama Rao]

mean that the Governor and the President should use their extraordinary powers and dissolve the Assembly and refuse to follow Parliamentary conventions. So, I appeal to the Government to play the game, to be sportsmanlike. Just because they are defeated in one case, they should not bury the Constitution. They always shout from the house tops that we communists do not believe in parliamentary procedure, but what are they doing? They want to follow parliamentary conventions and parliamentary procedure as long as it suits them, as soon as......

Shri B. S. Murthy: They are following the communists.

Dr. Rama Rao: The people express their disgust against the policies of the Government, then they say it is a critical situation, a crisis has arisen, and therefore the extraordinary powers of the Governor and the President should be used and the Assembly dissolved. In any game when a boy loses, he will say: "Come on, let us have another fight. So, instead of showing any sportsmanlike spirit, they have decided to dissolve the Assembly and come out for elections. Not that I am afraid of the elections. The Communist Party is sure to win absolute majority. The Andhra people previously definitely voted against the Congress Party.

Shri Achuthan (Crangannur): Do not have too much of confidence.

Mr. Chairman: Let the Congress Party or the Communist Party win. It is left to the future. Let him come to the Resolution, as the time is too short and other Members are anxious to speak. I only want that the hon. Member may speak on the Resolution.

Shri Nambiar: Accept the challenge.

Dr. Rama Rao: My friend Shri Raghuramaiah was saying that if the communists are so very confident, they must welcome the elections. We are not afraid of the elections, but we are pointing out......

Mr. Chairman: That was in reply to what fell from Mr. Gopalan, and this is in reply to what has fallen from Shri Raghuramaiah, and a third Member will also reply to what has fallen from you. I can only observe that the time of the House be utilised for the purpose of either supporting or criticising the Resolution and not forecasting the future.

Dr. Rama Rao: I am guided by your advice, Sir. I have no doubt that the people of Andhra who have already taught a lesson to the Central Government in the case of the formation of the Andhra State, will give their opinion definitely and clearly on this massacre of democratic conventions.

Shri Tek Chand: I rise to support the Resolution. It was rather refreshing when I heard the Leader of the Communist Party reading with a certain amount of reverence a book on democracy—by Ivor Jennings on Cabinet Government. But he had only to open his lips when I noticed that passages quoted were torn out of their contexts. Luckily, because of the courtesy of my hon. friend Shri Chatterjee, I happened to glance through that very book—at page 37 wherefrom he quoted a passage in support of his contention. He said where there is an Opposition, the King must send for him and there has been, therefore, a departure from the injunctions stated by this great constitutional author. But this line was read out torn from the context.

In England there has ordinarily been a two-Party system. No doubt, occasionally there have been three Parties, but multi-Party system happens to be a characteristic of France, not of England. But, in this particular page, a few lines higher up the case was being examined when the contest was between two Parties *vis-a-vis* each other. In a multi-Party context, and higher up it is said:

> "She......

—*i.e.*, the Queen—

> "...sends for the elder statesman of the two Opposition parties and commissioned Lord Aberdeen as soon as she had information......"

And then,

> "The correct rule was stated by Mr. Balfour in 1904..."

And then follows that sentence relied upon by my hon. friend. If he had taken care to read the earlier passages which have got a greater bearing and relevancy, it would have become unnecessary for me to disabuse the minds of those who might have been unwittingly influenced by a wrong quotation.

Earlier, the same author deals with the predicament in which the King of England finds himself where there are multi-Parties, and no one of them, has a majority. That passage, if hon. Mr. Gopalan has still the book with him, he will find at the bottom of page 23 and on the pages that follow. There it is said:

> "The Government must clearly, be formed out of that majority and, if it has a recognised leader, he will be the Prime Minister."

Then, at page 26, where this author is dealing with a number of Parties, this is what he says:

> "A completely different situation arises where the Government is defeated in the House of Commons and resigns. It may be assumed that such a case as that of 1841, when the Opposition had a clear majority will not occur again, since, according to the modern practice, if an Opposition party secures a clear majority at the general election the Government does not go through the formality of meeting Parliament. It may be assumed, therefore, that on the defeat of a Government no party will have a majority."

What has to be done then? And he suggests this:

> "Such a situation will arise either because there are three or more parties, none having a majority, as when Whigs and Peelites defeated the Derby Government of 1852."

Then he gives instances. Then he says there are three alternatives possible in such a predicament.

> "In such a case the King has to consider three possibilities. The first is that a coalition Government may be formed."

Let us examine that. Was one out of these Opposition Parties willing to form a Coalition Government?

Shri V. P. Nayar: Who was asked-

Shri Tek Chand : They hate one another like anything. According to the language of Shri Asoka Mehta, the communists are the hangmen of democracy. Are you going to form a coalition with these who prove to be the hangmen of democracy? (*Interruptions*).

Dr. Rama Rao *rose*

Mr. Chairman: He has already spoken.

Shri Tek Chand: The second possibility is this:

> "The second possibility is that one party may form a minority Government with the intention of advising a dissolution as soon as it is practicable to do so."

What has happened in this case, is that dissolution has been advised immediately. Then,

> "The third possibility is that a minority Government can be formed which may be able to maintain itself in office in spite, of its lack of a majority."

These are the three possibilities within contemplation and therefore when my hon. friend was citing Jennings, he might as well have invited attention of the Members who have not had the opportunity to read this book at least to these three propositions.

[Shri Tek Chand]

Now, what has happened? We are not appreciated for our candour, for our straightforwardness. We say that if elections proceed when we are at the helm of affairs, all sorts of wrong and evil motives may be attributed to us. It will be said, it will be a part of your election campaign, though we have been defeated, nevertheless, we are holding on to the reins of office, in order that we might resort to evil ways in order to influence the electorate, and we might resort to coercive measures. This is the allegation, which, without doubt, could have been levelled against us. If we have been candid enough, frank enough and free enough, and said we will not be in office when the elections go on, no party is going to be in office, then, what is the objection? The only objection is you are deprived of using a wrong argument with a view to throw dust into eyes of the electorate. That is your grievance. It is surprising what your grievance is, you say we must remain in office, in order that you may have an opportunity to level that false accusation. This is the criticism that is levelled, a criticism which is hardly comprehensible.

I am amazed at the remarks and observations of my hon. friend Shri S. S. More. He is another constitutional pandit that we have got here. He ransacked the Constitution of India in search of an article, in order to find support for his argument against the Order of the President. According to his contention, it is not open to the President to dissolve the State Assembly. He has read to us article 174, the relevant portion of which says:

> "The Governor may from time to time...dissolve the Legislative Assembly."

He has said that there is no similarly worded article which says that the President may from time to time dissolve the Legislative Assembly, though there is something in articles 82 and 83 regarding his power to dissolve Parliament. I took for a moment a leaf out of this book, and interrupted him. I said, please turn to article 356(1)(a), and there you are. Superficially and casually, he glanced at it, but he did not grasp the point that I wanted to emphasize. Article 365(1)(a) says:

> "......the President may by Proclamation——
>
> (a) assume to himself all or any of the functions of the Government of the State and all or any of the powers vested in or exercisable by the Governor or Rajpramukh, as the case may be or any body or authority in the State other than the Legislature of the State;".

So, the power exercisable by the Governor under article 174 vests in the President by virtue of article 356(1)(a).

Shri Raghavachari: He has suspended article 174 in the Proclamation. There lies his error.

Mr. Chairman: But sub-clauses (b) and (c) are there, by which Parliament is clothed with all the powers of the local Legislature, and incidental orders can be passed by the President.

Shri Raghavachari: No doubt, sub-clause (b) is there. But sub-clause (b) does not relate to dissolution, but only to vesting the powers of the local Legislature in Parliament. Therefore, after the President has suspended article 174, he has exercised a right which is not to be taken over by him.

Mr. Chairman: The President does not assume to himself the powers of the local Legislature. That is clear from sub-clause (a). So far as sub-clause (a) is concerned, he assumes the powers of the Governor; secondly, the powers of the local Legislature are given to Parliament, and then the Governor is entitled to make incidental provisions......

Shri S. S. More: May I make a personal reference? Article 174 reserves to the Governor the power to dissolve the local Legislature. Now, in this Proclamation, article 174 has been suspended. So, if that article is suspended, the power under it is also suspended; it does not give power to the President. That is the contention.

Mr. Chairman: But the powers of the Governor whatever they are under the law are invested in the president himself. That power may be suspended so far as the Governor personally is concerned, but the Governor's powers whatever they are under the law are taken over by the President.

Shri S. S. More: It is not so clear.

Mr. Chairman: He assumes all the powers of the Governor. The point is quite clear.

Shri Tek Chand: I would make a request to my learned colleague to coolly, calmly, dispassionately and impersonally...

Shri S. S. More: I do not come from Simla, to be very cool and calm.

Shri Tek Chand: Consider this particular provision, and I have no doubt that he will have the fair-mindedness to accept his own error and come to the conclusion that the President had the power, and what the President has done is absolutely *intra vires.*

In drawing constitutional precedents, a precedent for the future was suggested by Dr. Krishnaswami. He says that the appropriate thing was that there should have been a Caretaker Government manned by the representatives of all the parties. Such a thing. if done, may be a precedent for the future. But you might as well ransack all constitutional precedents, and nowhere will you find support for the novel proposition he has adumbrated. I maintain that where the parties in Opposition to the Government are at loggerheads with one another, where they are almost thirsty for the blood of the other, or in the words of my learned colleague Shri Asoka Mehta, where one party hates [illegible] as being the hangmen of democracy or the executioners of freedom and constitutional liberties, you cannot expect them to join hands and come together as brothers under these circumstances. I contend, therefore, that the only thing that was desirable, the only thing that was clear, straightforward proper, and in full concord with constitutional precedents was what has been done; and that is the correct thing.

I have great pleasure in supporting this Resolution.

Mr. Chairman: There are about twenty-five minutes left to four o'clock. I think the hon. Minister will take about fifteen minutes for his reply.

Dr. Katju: Fifteen minutes.

Mr. Chairman: Shri N. C. Chatterjee. I hope the hon. Member will finish within ten minutes.

Shri N. C. Chatterjee (Hooghly): It seems that the State of Andhra was ushered into existence in a very ill-fated moment. When the Andhra Bill was here, the South Indian colleagues of ours, who were fighting for it for days, and we, all wished the new State godspeed, and I remember that when we passed this Bill, there was a general desire on the part of all parties that the democracy would be functioning properly in the new State; I think, Dr. Katju also joined in that chorus of goodwill and godspeed. But we are disappointed.

[MR. DEPUTY-SPEAKER *in the Chair*]

Those who believed in the formation of linguistic provinces, and wanted this new experiment to succeed are deeply disappointed. We are deeply disappointed that the functioning of democracy began with political somersault of a very ugly type. It had started with a betrayal, and political seduction. That kind of a democracy can never endure. I am amazed that Congress Members stand

[Shri N. C. Chatterjee]

up here and talk in a very lighthearted manner. They should realise that if they have got the right to abduct people from other political parties—the Communist Party has got the right to abduct also, for abduction leads to counter-abduction and reduction and the Socialists too may try it.

Mr. Deputy-Speaker : The hon. Member is in between the two.

Shri N. C. Chatterjee: Dr. Katju also.

What I am saying is this. We should not go into irrelevant things. When the Britishers used to resort to section 93 of the Government of India Act, and supersede the functioning of democratic government, all parties used to condemn the imperialists for this kind of a dictatorial rule. Unfortunately, this article 356 was used for the first time in India, on 20th January 1954; that was done in the State of Punjab, when Dr. Gopichand Bhargava's Ministry resigned. It is a matter of peculiar coincidence that His Excellency......

Dr. Lanka Sundaram. No Excellency now.

Shri N. C. Chatterjee: Then, there was Excellency. His Excellency Mr. Trivedi was then the Governor. And it is also rather peculiar that the same Governor is now the head of the State, where this third attack under this article has come upon democracy. We ought to be fair to the Governor, and I do not like that really unfair attacks should be made on him, and it will not be right for the Parliament to impute any malicious motives to him for taking action under this aricle. We should realise that he was faced with a very difficult situation, but the whole question is this. Even if he acted not maliciously, did he act properly, and in accordance with the spirit of the Constitution? Under article 356, action can only be taken, and a Proclamation can only be issued, only when the situation is such that the Government of the State cannot be carried on in accordance with the provisions of this Constitution. I am sorry to say, Sir, that I am not satisfied that the situation was really such that the Government of the State could not be carried on in accordance with the Constitution of India.

Now, let us not merely make a legalistic approach or a technical approach. My learned friends have been quoting from books. Different authors have been quoted and certainly Dr. Berriedale Keith and Sir Ivor Jennings are the greatest authorities. It has been clearly written in the book *Cabinet Government* of Ivor Jennings in the chapter on the "Choice of the Prime Minister".

> "The rule is that on the defeat and resignation of the Government the King should first send for the leader of the Opposition. This rule is the result of long practice, though it has hardened into a rule comparatively recently. Its basis is the assumption of the impartiality of the Crown."

All that I am suggesting is that this healthy convention should be also practised in the Indian Republic. The Governor should send for the Leader of the Opposition. How can you say, how can the Governor say that the Government of the State cannot be carried on according to the principles of the Constitution of India unless and until, after the resignation of any Chief Minister, you do not send for the Leader of the Opposition and do not give him a chance to form a Ministry.

"Democratic government." Sir Ivor Jennings goes on to say, "involves competing policies and thus the rivalry of parties."

I remember, when I was a student of the London University, the Cabinet in England fell and there was a constitutional crisis but the King sent for Mr. Ramsay MacDonald, although he was not the leader of the majority party. He was the leader of a minority party at that time. There were four parties and the Liberal Party was split into the Asquithian Liberals and the Lloyd Georgian Liberals. Then there was the official Socialist Party which was the Labour Party and a very few unattached socialists and communists. There were four big parties and when Baldwin resigned, Ramsay MacDonald was sent for although he was not the leader of the party having the majority. Sir, I tried to find out whether my memory was correct and I find in the latest edition of Keith's *British Cabinet System* this instance has been quoted. This instance is being quoted, that when Mr. Baldwin resigned Mr. Ramsay MacDonald was sent for although he was not the leader of the majority party. Not only that, Sir. Keith gives another instance, when Mr. Ramsay MacDonald was again called in 1931 and asked to form a Coalition cabinet, although he was the leader of a very small truncated Labour group. You know, Sir, the Labour Party had been split and he had only a very small group as his following.

Shri Tek Chand: Then he formed a National Government.

Shri N. C. Chatterjee: National Government means really a Coalition Government. Mr. Tek Chand ought to know that it is nothing but a Coalition Government. That Coalition Government was formed and Mr. Ramsay MacDonald was made the Prime Minister.

I may also refer particularly to the latest book on *Modern Foreign Governments* written by two great American authorities Frederick Ogg, Professor Emeritus of Political Science, University of Winsconsin and Harold Zink, Professor of Political Science, Ohio State University. They are saying about the British Constitution and what should be done when a Chief Minister resigns. They are pointing out that the King or the Monarch should send for the leaders of the Opposition and try and ask them to form a Cabinet. And that is the real practice that should be followed. He points out:

> "After the election of 1924, when the House of Commons was sharply split three ways—Conservative, Liberal and Labour—King George V had to decide whether to summon the Liberal leader Asquith or the Labour leader MacDonald, and in casting the die for MacDonald he made a genuine and important choice. In 1931, when a later Labour Government resigned, an equally weighty decision was made by the same monarch when Mr. MacDonald was commissioned to make up a 'national' or coalition ministry.

And these two political scientists say:

> "No monarch in twentieth century Britain would risk rocking the throne to its foundations by insisting upon a choice of his own as against one that could be made by the political elements chiefly concerned."

Sir, what they are saying is that it is the King's duty or the duty of the Head of the State to allow the political elements in the country to work out and if the political elements who are interested, who are the representatives in the Legislature say that they cannot assume the responsibility to form a Cabinet or any ministry then and only then you can say that there is such a situation, such, a deadlock that it cannot be resolved except by the imposition of President's rule or bureaucratic rule. The Governor must act in a manner that it must convince others that not only he was being satisfied but he must act in a manner to give us sufficient material so that people can see that he is genuinely convinced on sufficient materials—not as mere subjective satisfaction which is always a risky thing. I maintain that although he is a distinguished public servant with a good record—he was

[Shri N. C. Chatterjee]

the Governor of Orissa, then the Governor of Punjab and I know that as Governor of Orissa his administration was quite satisfactory—and although I am not imputing motives to him. I am still saying that he made the mistake of not sending for the Leader of the Opposition and not giving the Opposition parties a chance to form a ministry before he declared as the Governor of the State that there was a complete breakdown in the constitutional machinery and that there is no other alternative than the assumption of bureaucratic rule in the State.

Dr. Katju: Mr. Deputy-Speaker, a good deal has been said about the Governor's report, but I suggest that I am here to defend the action of the Government of India. I submit respectfully that I have placed more than enough material for the purpose of justifying the action taken. Not only justification, I go further and say that there was no other possible alternative at all. My hon. friends have read books of great weight and I have also got with me many but I have not read them. I do not find in any single book—either Berriedale Keith or Ivor Jennings any word about article 356 of our Constitution. That is the material article. You may talk about Canada, Australia or Timbuctoo and all that and goodness knows what. I talk about India. Our Constitution makers—leaving aside the Central Government for very good reasons enacted article 356. And I suggest to the House in a spirit of perfect sincerity and seriousness that it is a very fine advice for getting over what you may call a 'ticklish problem', Here is a Government defeated I do not say how it was defeated but it was defeated by one vote. If there had been an equal voting the thing might have been different. That Government comes to the Governor and says. "Here is our resignation. Here is our advice to you that you should dissolve the Assembly and here is a declaration that we are not prepared under any circumstances to form any Caretaken Government." They say, they will not do so. Otherwise one would have thought that my friends like most other Congressmen are hungry for office and power. If they would have said: "We are prepared to carry on", naturally, people would have thought like this. But these gentlemen said, for whatever reason they thought right, that they would not carry on with the Government, which they were entitled to do; nor would they form any Caretaker Government at all. They simply just walked out.

Now, I do not know how my hon. friend Mr. Chatterjee said that the leader of the opposition party was not called. He might have just asked Mr. Gopalan as to what actually happened. Shri Asoka Mehta said in his speech that I have got much larger material about the Andhra happenings. Mr. Gopalan perhaps knows it that the entire Andhra Communist Party sent a telegram to the Governor saying two things: "Either allow the Communist Party to form a Government or dissolve the Assembly. There is no question of giving power to any body else—P.S.P., K.L.P. or any other party. Either give us the power—we 40 of us—or dissolve the Assembly."

Dr. Rama Rao: What is the authority of that telegram? It is not true that the Communist Party asked for that. They only said that the opposition should be asked to form the Government, and nothing else.

Dr. Katju: I think I should ask for a general standing order that when I speak nobody should interrupt me.

So, the Governor sent for everybody. I have already informed the House as to what the P.S.P. people said. I have read to you a press cutting. I also told you what the K.L.P. leader Mr. Lachnna said. So far as the Communist Party is concerned they know what they said. They said that they will show a majority. Goodness knows how they will show a majority and the Governor thought it all to be funny. As a general rule this Parliament has laid down under artice 356 when a Government is defeated on a vote of no-confidence, the Ministry goes out, it advises dissolution of the legislature and it is not agreeable to form a Caretaker Government, when it can do so under all these books—it is open to the Cabinet in Britain to advise the King to dissolve the Parliament and continue in office—the Governor or the Rajpromukh should send for the leader of the other party. Supposing a Government says: "We will not continue in office", I quite agree that the democratic convention should be that the Governor or Rajpramukh should send for the leader of the other party. But, if they are in gross splinter groups of ten or twenty, and each party can get only three or four votes, then, I tell you, it will become impossible for the Governor to make up his mind as to whom to choose. My hon. friend Dr. Krishnaswami said that the Governor should form an all parties' government.

Dr. Krishnaswami: All parties Caretaker Government.

Dr. Katju: It presupposes that people are prepared to join in that government. Here a Communist will not look at a Congressman and a Congressman will not look at a K.L.P. man. Each one of them love each other from a distance. How can a government be formed with them? My hon. friend was talking purely in the air. I tell you he was talking something purely theoretical. How to bring them together? Do you mean to say that Mr. Prakasam would love Mr. Gopalan? It is absolutely impossible. Then how can that government be formed?

My friend Dr. Lanka Sundaram said: "I want an assurance that there would be an election" I am most anxious to have the elections by about the middle of February and you may take it from me that not a single day will be allowed to expire if it can be avoided. My friend said: "The Delimitation Commission has done something else and you may put it off to June or July". Sir, if there is one man in this House who is more anxious than anyone else to have general elections at the earliest possible date, it is myself.

Dr. Lanka Sundaram: May I interrupt you? Why not you put down a date now?

Dr. Katju: I will tell you in the course of the next week; I will have to look up the dates.

Shri Raghuramaiah: It is not a matter purely between Dr. Lanka Sundaram and the Home Minister; others are also interested.

Dr. Katju: I agree.

Then Sir, there was a lot of forensic eloquence and democratic eloquence shown as if the Governor, was a sort of dictator. But the Governor, the 'poor Governor' is subject to the President and the Central Government. On every matter he has to ask for Finance Minister. The Home Minister does not come into the picture. About railways he goes to the Minister of Transport and Railways. I am speaking from experience. In PEPSU the House approved the resolution and for one full year we carried on. Now, hon. Members who may be interested may look up the *Parliamentary Debates* and find out how many questions were asked on important matters. The House showed the utmost anxiety. The hon. Members from Andhra will be most anxious, whether they be on this side or that side, to see that the interests of the people are protected. If a stranger were listening to our debate he would run away with the impression that a Governor is some sort of a real Governor of olden days. He may do whatever he likes; he may behead anybody's head, but he cannot be touched.

Shri S. S. More: That is correct.

Shri Algu Rai Shastri: That is not correct. (*Interruption*)

Mr. Deputy-Speaker: How can I allow a discussion like this?

Dr. Katju: A Parliamentary form of government is as much subject to democratic control as anybody else. In spite of the fact that the local legislature in Andhra is not functioning for two or three months, the whole of India will be most anxious to see through the representatives here, that the people of Andhra do not suffer: their affairs are properly managed and so on.

Lastly, Sir, my friend made some very sound propositions which are all unworkable. He brought about one theory. He said: "According to my reasoning there can never be action taken under Article 356 within a period of less than six months." I wonder how he said that. He says that it is open to the Governor to constitute a Cabinet of his own. Just look at it. He says: "Assembly is gone, very well, do not call them advisers. Make a Cabinet of all non-sitting Members." Anyone can be apointed a Minister or Prime Minister. You may have an entire Cabinet of non Members of the Lok Sabha provided they can become Members within six months. Therefore, my friend got the inspiration of 'six months' from that provision. With all due respects and with my little knowledge of politics, I say that I do not agree with this proposition.

4 P.M.

Therefore, I ask the House not only to approve of the Proclamation but also approve of the general proposition that I am submitting, that article 356 being there, where a Ministry is defeated and that Ministry tenders resignation and is not prepared to carry on within the administration of the country, if the Governor finds that no single party is there in the opposition which can command a majority, then it is open to the Governor to report the matter, because the Governor purely reports. It is a factual report, and it is open to the President to say that the Assembly can be dissolved and that we can carry on much better. I do not want to trouble the House any further.

Mr. Deputy-Speaker: I find that all the substitution amendments to the resolution are out of order. They are all of a negative character. Therefore, I do not think it is necessary for me to put any of these substitute resolutions to the vote of the House.

Shri Raghavachari: I think my amendment No. 8 is in order. It is certainly open to this House to pass a Resolution expressing a feeling of disappointment.

Mr. Deputy-Speaker: Yes. It is in order. Do you want to press it and do you want me to put it to the vote of the House?

Shri Raghavachari. Yes.

Mr. Deputy-Speaker: The question is: That in the original resolution, the following be added at the end, namely:—

> "but would express a feeling of disappointment at the failure of the adoption of the constitutional and conventional formalities which should precede the assumption of powers under article 356 of the Constitution."

The motion was negatived.

Shri N. Rachiah: There is my amendment—amendment No. 9 It is not a substitution amendment.

Mr. Deputy-Speaker: Hon. Members should not be too late: They must stand up and tell me.

Mr. Deputy-Speaker: The question is:

That in the original resolution, the following be added at the end, namely:

> "as that was the only proper constitutional remedy for the crisis that arose on the resignation of the Prakasam Ministry."

The motion was adopted.

Mr. Deputy-Speaker: Let me now put the original resolution, as amended, to the vote of the House. The question is:

> "That this House approves the Proclamation issued by the President on the 15th November, 1954, under clause (1) of Article 356 of the Constitution, assuming to himself all the functions of the Government of Andhra, as that was the only proper Constitutional remedy for the crisis that arose on the resignation of the Prakasam Ministry.

The Lok Sabha divided : Ayes 154; Noes. 35

Division No.] AYES **[4-30 P.M.**

Abdus Sattar, Shri
Achal Singh, Seth
Achuthan, Shri
Alagesan, Shri
Alteker, Shri
Azad, Maulana
Badan Singh, Ch.
Balmiki, Shri
Barupal, Shri P. L.
Basappa, Shri
Bhagat, Shri B. R.
Bhargava, Pandit Thakur Das
Bhatt, Shri C.
Bhawanji, Shri
Bidari, Shri
Birbal Singh, Shri
Bose, Shri P. C.
Chaliha, Shri
Chanda, Shri Anil K.
Chandrasekhar, Shrimati
Charak, Th. Lakshman Singh
Chaturvedi Shri
Chaudhary, Shri G. L.
Chaudhuri, Shri R. K.
Chinaria, Shri
Choudhuri, Shri M. Shaffee
Dabhi, Shri
Das, Shri B. K.
Das, Shri N. T.
Datar, Shri
Deshmukh, Shri C. D.
Dholakia, Shri
Dhulekar, Shri
Dhusiya, Shri
Digambar Singh, Shri
Dube, Shri Mulchand
Dube, Shri U. S.
Dubey, Shri R. G.
Diwivedi, Shri D. P.
Eacharan, Shri Z.
Gandhi, Shri Feroze
Gandhi, Shri M. M.
Gandhi, Shri V. B.
Ganga Devi, Shrimati
Ganpati Ram, Shri
Gautam, Shri C. D.
Gohain, Shri
Hem Raj, Shri
Hyder Hussein, Ch.

Ibrahim, Shri
Jain, Shri N. S.
Jayashri, Shrimati
Joshi, Shri Jethalal
Joshi, Shri Krishnacharya
Joshi, Shri M. D.
Kale, Shrimati A.
Karmarkar, Shri
Katju, Dr.
Keshavaiengar, Shri
Khongmen, Shrimati
Kirolikar, Shri
Krishna Chandra, Shri
Krishnamachari, Shri T. T.
Krishnappa, Shri M. V.
Kureel, Shri B. N.
Lal, Shri R. S.
Lallanji, Shri
Lingam, Shri N. M.
Lotan Ram, Shri
Madiah Gowda, Shri
Mahodaya, Shri
Mahtab, Shri
Majhi, Shri R. C.
Majithia, Sardar
Malviya, Pandit C. N.
Masuodi, Maulana
Mehta, Shri Balwant Singh
Minimata, Shrimati
Mishra, Shri S. N.
Mishra, Shri Bibhuti
Mishra, Shri L. N.
Mishra, Shri Lokenath
Misra, Shri B. N.
Misra, Shri R. D.
Mohd. Akbar, Sofi
Nair, Shri C. K.
Narasimhan, Shri C. R.
Natawadkar, Shri
Nehru, Shri Jawaharlal
Nehru, Shrimati Uma
Pant, Shri D. D.
Parikh, Shri S. G.
Pataskar, Shri
Patel, Shri B. K.
Pathrikar, Dr.
Pawar, Shri V. P.
Prabhakar, Shri Dyal
Rachiah, Shri N.

Raghubir Sahai, Shri
Raghunath Singh, Shri
Raghuramaiah, Shri
Raj Bahadur, Shri
Ram Dass, Shri
Ram Saran, Shri
Ram Subhag Singh, Dr.
Rane, Shri
Ranjit Singh, Shri
Rao, Diwan Raghavendra
Rup Narain, Shri
Sahu, Shri Bhagvat
Sahu, Shri Rameshwar
Saksena Shri Mohanlal
Samanta, Shri S. C.
Sanganna, Shri
Satyawadi, Dr.
Sen, Shri P. G.
Sen, Shrimati Sushama
Shahnawaz Khan, Shri
Sharma, Pandit Balkrishna
Sharma, Shri K. R.
Sharma, Shri R. C.
Shastri Shri Algu Rai
Siddananjappa, Shri
Singh, Shri D. N.
Singh, Shri L. Jogeswar
Singh, Shri M. N.
Singh, Shri T. N.
Singhal, Shri S. C.
Sinha, Dr. S. N.
Sinha, Shri A. P.
Sinha, Shri Anirudha
Sinha, Shri G. P.
Sinha, Shri Jhulan
Sinha, Shri Nageshwar Prasad
Sinha, Shri Satya Narayan
Siva, Dr. Gangadhara
Somana, Shri N.
Subrahmanyam, Shri T.
Suresh Chandra, Dr.
Tek Chand, Shri
Telkikar, Shri
Thimmaiah, Shri
Thomas, Shri A. M.
Tiwari, Pandit B. L.
Tiwary, Pandit D. N.
Tulsidas, Shri
Uikey, Shri

[Mr. Deputy-Speaker]

Upadhyay, Pandit Munishwar Datt
Upadhyay, Shri Shiva Dayal
Upadhyay Shri S. D.
Vaishnav, Shri H. G.
Vaishya, Shri M. B.
Vidyalankar, Shri A. N.
Wilson, Shri J. N.

NOES

Amjad Ali, Shri
Basu, Shri K K.
Chatterjea, Shri Tushar
Chatterjee, Shri N. C.
Chaudhuri, Shri T. K.
Chowdary, Shri C. R.
Choudhury, Shri N.B.
Das, Shri B. C.
Das, Shri Sarangadhar
Gadilingana Gowd, Shri
Gam Malludora, Shri
Gidwani, Shri
Gopalan, Shri A. K.
Gupta, Shri Sadhan
Kripalani, Acharya
Krishnaswami, Dr.
Mehta, Shri Asoka
Menon, Shri Damodar
More, Shri S. S.
Mukerjee, Shri H. N.
Muniswamy, Shri
Murthy, Shri B. S.
Nambiar, Shri
Narasimham, Shri S. V. L.
Nayar, Shri V. P
Raghavachari, Shri
Rao, Dr. Rama
Rao, Shri P. Subha
Rao, Shri Mohana
Reddi, Shri Madhao
Subrahmanyam, Shri K.
Sundaram, Dr. Lanka
Trivedi, Shri U. M.
Veeraswamy, Shri
Waghmare, Shri

The motion was adopted.

Mr. Deputy-Speaker: Let the hon. Members take their own time for going from one corner of the House to the other corner. I am not going to stand up so long as a single hon. Member is on his legs. It is all very wrong to waste the time of the House.

An Hon. Member: The Minister of Parliamentary Affairs is standing.

Mr. Deputy-Speaker: Whoever it is, all should sit down. The House will now take up non-official work. Before that, there is one item.

COMMITTEE ON PRIVATE MEMBERS BILLS AND RESOLUTIONS

MOTION RE FOURTEENTH REPORT

Shri Gidwani (Thana): I beg to move:

> "That this House agrees with the Fourteenth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 18th November, 1954."

Mr. Deputy-Speaker: The question is:

> "That this House agrees with the Fourteenth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 18th November, 1954."

The motion was adopted.

RESOLUTION *RE* SECURITY OF SERVICE TO GOVERNMENT EMPLOYEES.—*Concld.*

Mr. Deputy-Speaker: Further discussion of the Resolution moved by Shri Hirendra Nath Mukerjee on the 24th September 1954 will take place now.

I may have to make an announcement. The time allotted for this Resolution was 2·5 hours. The time taken up on 24th September 1954 was 40 minutes. There is a balance of one hour and 50 minutes. I will allow time at the rate of fifteen minutes per Member. The Mover spoke for 32 minutes and concluded his speech. Pandit Munishwar Datt Upadhyay spoke for eight minutes.

A representation was made to me that, as in the case of lunch interval when no motion is put to the vote of the House and when the Members or the Chair will not have to point out want of quorum, in case, after 5 o'clock, the House sits, nobody should raise the question of quorum. Only in the cases where the division bell is rung or a division is called for, there must be a quorum. If the House agrees, we can go on; otherwise I will insist upon a quorum.

Dr. Ram Subhag Singh (Sahabad—South): In that case, most of the Members would go away.

Mr. Deputy-Speaker: All right; we shall go on as long as there is quorum.

Pandit Munishwar Datt Upadhyay (Pratapgarh Distt.—East): As I was submitting the other day, I agree with the two-fold objectives that were stated by the hon. Mover of the Resolution. The objectives given by him were, firstly, to give government employees security of service and, secondly, to give them an assurance that they were safeguarded against victimisation. So far as the two-fold objects of the Resolutions are concerned I absolutely agree with the Mover, and it is on account of my sympathy, as I told the other day, with the employees of the government, especially the lower grade people.

I submitted that this Resolution was a welcome resolution. But later I found that besides these two objects that he had given the hon. Mover had some other things also to say, and really the main object of the Resolution appeared then to be the cancellation of certain rules that he thought were very pernicious.

The condition of the government employees in the lower grade is really pitiable. Many of these employees getting small salaries were very hard hit during the days of high prices. But then that aspect of the question was not very much emphasised by the Mover. The emphasis was laid on other aspects of the question to which I raised certain objections. As it appeared, he was aiming at the cancellation of certain rules on account of which rules he thought there were certain employees in the government service who belonged to the Communist Party or who were in some way or other connected with the Communist Party and actions were being taken against them; they were punished, fined, sometimes suspended or removed. And after hearing him completely I understood that it was on account of his complaint on that ground that he had brought forward this Resolution.

My submission in this connection is, as I said the other day also, that everyone in the House—there might be some exceptions, but I do not think there should be any exception—everyone sympathises with the lot of these poor people in the lower grade who are suffering: they may be either in Government service or outside, serving under private persons. But to the cancellation of certain rules or the abolition of certain regulations, as has been suggested in the Resolution, I do not agree.

Reference has been made to a particular rule, namely the Railway Services (Safeguarding of National Security) Rules, 1954 and similar other rules to which he referred. If I once read the wording of that rule it might be clear that the objection of the Mover is something different from what we thought it to be in the beginning. I am reading from paragraph 3 of the regulation:

> "Where the President is of opinion that a member of the Railway Services is engaged in, or is reasonably suspected to be engaged in, subversive activities, or is associated with others in subversive activities, and that his retention in the public service is on that account prejudicial to national security, the President may make an order compulsorily retiring such a person from service by terminating his service after he has been given due notice or pay in lieu of such notice in accordance with the terms of the agreement of his service or under rule 148 of the Indian Railway Establishment Code, Volume I."

The hon. the Mover has serious objection to this rule. Even if the government employee is engaged in subversive activities, in that case also he does not want that there should be any rule or regulation under which he should be removed.

[Pandit Munishwar Dutt Upadhyay]

I think this object of the Mover is not an object which I called laudable in the beginning.

From the Resolution I thought that the object was to see that government employees were assured of security of service and were not victimised. But the object appears to be that the employees who are engaged in subversive activities should also be protected and not retired or removed from service.

I would like to point out that liberal terms are offered under this rule. If they are removed from service it is done after giving due notice and pay is also given in lieu of their services; or they are treated in the same manner as employees are treated when they are removed from service under rule 148 of the Indian Railway Establishment Code, Volume I. Here also they are given compensation, they are sometimes given pension. All these things are there. Still my hon. friend the Mover has serious objection to it.

Then again, further, we see that provision has been made to treat him well.

> "Before an order under rule (3) is made, the competent authority shall, by notice in writing, inform the member of the Railway Service of the action proposed to be taken in regard to him and give him an opportunity to make to the President, within such period as may be specified in the notice, representation in writing against that action. And the President, while passing the order, shall consider the representation made by him."

Shri Veeraswamy (Mayuram—Reserved—Sch. Castes): There is no quorum, Sir.

Mr. Deputy-Speaker: Each hon. Member counts for three. We are not having any division now.

Pandit Munishwar Datt Upadhyay: These are the terms on which a person who is engaged in subversive activities is removed from service.

Shri Amjad Ali (Goalpara-Garo-hills): May I seek a clarification from the hon. Member? Would he consider that without any overt act also this rule can be applied to the employee?

Pandit Munishwar Datt Upadhyay: So, the apprehension is that sometimes unnecessarily without any grounds such a rule may be applied. If rules are to be applied without any grounds, any rules can be applied without any grounds against any employee. That is a different matter altogether. But if you seek cancellation of this rule, that means that there shall be no law to remove such persons who are found engaged in subversive activities. Therefore, so far as this rule goes, I will oppose the Resolution if that is the objective.

The hon. Mover said in his speech that a number of people were temporary, they were removed by the authorities at will without any notice, and there are persons who have served for ten, eight and fifteen years sometimes who have still not been confirmed. He has given numbers also. He says that there are people who are temporary, unconfirmed staff, in the railway employ. Their number is 95,000 and odd. There are some under training or probation. Their number is 21,000 and odd. Then certain posts are temporary and the occupants of those posts are something like 96,000 and odd. Then he says that people with less than three years service who are working in workshops number 15,000 and odd. I would submit that so far as these categories go, necessarily they all have to be temporary. Persons who are under training, who are on probation, surely are temporary and cannot be permanent. Persons whose posts themselves are temporary are bound to be temporary. They cannot be permanent. Persons below three years service serving in the workshops take two to three years to be confirmed. They should necessarily be temporary in the beginning.

Then he says there are certain temporary unconfirmed staff in a certain year. He has given 1952-53, and their number he says is 95,000 and odd. I would submit that it is inevitable if some people have to be temporary.

Then he goes on to say there is the Planning Department where also a number of people are employed; they are temporary and they should be made permanent. Here, the Department itself is a temporary one. It may not last permanently. So the people who are taken in the Planning Department are surely temporary people taken for a short period. I thought he would give us figures about employees who were serving the Government in permanent departments and were still temporary for a number of years. That figure, of course, I do not find so far as the speech of the hon. Mover is concerned.

Then he says there are some people who are on daily wages, weekly wages and monthly wages, they are also temporary. Naturally, they would be temporary. A complaint against such things is just to minimise the importance of the Resolution that has been placed before this House.

He says that the General Manager has got powers to remove persons on grounds of inefficiency and repeated minor offences. Of course, if a person is inefficient, he has to be removed. If it is an offence, he is bound to be removed on that ground. So, I am afraid that the force of the Resolution has been taken away by the complaints made by the Mover by the explanation that he has given in his speech as to the object of the Resolution that he has moved.

My submission in this connection is really there are people who are suffering on account of being temporary, sometimes on account of being low-paid. In spite of the fact that dearness allowance was paid and extra allowances were paid, still the poor people at the low strata were badly suffering. For that, of course, there should be some means to help them. But, as the prices are going down slightly, their suffering also might decrease.

The other point that was emphasized by him was that mainly these rules were applied against the Communists, persons who were in the Government employ and had something to do with the Communist Party. My opinion, as I hinted the other day also, is that the persons who are in the Government employ should have no connection with political Parties. If they are active workers of any political Party, they should have no place in the Government employment. I suggest that even the active workers of the Congress also—it is a Congress Government and necessarily the persons who belong to the Congress would surely support the administration—should not be in the Government employ. It is not desirable to keep them—to say nothing of the Communists. Of course, if we understand it quite rightly, their ideology, their object has been such that if such rules are not there, it will be difficult to take action against them in certain circumstances. And as we have found, even in our development schemes, in planning, they have been opposing it, they have been criticising it. They may not be very friendly to the Government that is in power at present and they cannot be trusted on that account. So, not only in respect of the Parties that are opposed to the present Government, the present ruling Party, but I would submit that workers who are connected with the Congress organisation also should not be allowed to remain in government employ. Otherwise, of course, there is a certain amount of bias in their minds also for a certain Party which should not be present in the mind of the government employee.

In that connection, I would refer to a rule in the rules for the conduct of government servants. The rule has clearly provided that no member of the service shall be a member of

[Pandit Munishwar Dutt Upadhyay]

or be otherwise associated with any political party or any organisation which takes part in politics, nor shall he take part in, organise, subscribe in aid of or assist in any manner any political movement or activity. It is so clear. So, we should have no complaint on that account. If a particular person belongs to a political party and has been an active worker of that political party, and if disciplinary action is taken against him, he cannot complain. He cannot complain that action was taken only against those persons who had sympathy with the Communists. He said that there was some Assistant Secretary of some union in the Income-tax Department West Bengal, and that although he was very friendly to the Congress people—he had invited them friendly to tea—even then action was taken against him. So, the Government has not spared even the persons who have been friendly to the *Congresswallas*, if they were found guilty of breaking the discipline of the conduct rules of government servants. From that alone I should say that this sort of action, if it was being taken, was being taken against all such employees who had any such connection with any political party, on the ground that they were biassed and were interfering with the administration.

So, as I submitted in the beginning, the object of the Resolution is very laudable, but the manner in which the explanation of the Resolution has been given by the hon. Mover is such that I have serious objection to that. I submit that although the employees of the Government who are getting very low pay and are in a very bad plight should be helped. I do not think that the list of temporary people that he has given can be helped in any manner. After some time, they will become permanent when their posts become permanent, when they pass the probationary period, when they complete their training. Then, of course, they will be in permanent employment. So, my submission is that although I support the object of the Resolution, the intention of the Mover behind this Resolution, yet, I am opposed to it.

Shri A. K. Gopalan (Cannanore): My hon. friend who has just now spoken has not understood fully the object of this Resolution. It is not the question whether a certain Government employee is dismissed from service, because he has got some political affiliations or opinions. The object of this Resolution is the security of service of Government employees. As my hon. friend has said, there are certain Government rules by which a man can be kept temporary for a certain time. But after that, they are put into two or three categories. The purpose of this Resolution is to show what the condition of the Government employees is today, what their security is in Government service, in what all Departments, they are being sent away, and what are the general things that we have to do in this respect.

If we read articles 309, 311 and 313 of the Constitution, we shall find that the intention of the Constitution-makers was that our Government employees should have a definite sense of security or protection regarding their employment, and every employee is given a definite assurance that nothing would be done against their interest in the employment. Article 311(2) reads:

> "No such person as aforesaid shall be dismissed or removed or reduced in rank until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him."

So, there were certain assurances given to the Government employees.

Now, there are three categories of Government employees. The first category is temporary, the second is quasi-permanent, and the third is permanent. Whenever questions were put here to find out the number of temporary servants, no answer at all was given to them. Questions were put asking for the total number of temporary Government employees, the number of persons that have served more than three years, the number that has been given quasi-permanency, and the number that is permanent. But no reply at all was forthcoming, because my own information is—I do not want to quote, for that will take up the time of the House—there are thousands and thousands of temporary Government employees.

Under rule 3 of the Central Civil Services (Temporary Service) Rules, it is obligatory on the part of the Home Ministry to consider the case of every Government employee, who has put in more than three years of service, for quasi-permanency. Is this being followed by the Home Ministry? That is my question. It is not being followed.

In a letter of appeal to the Members of Parliament, from the Office of the Accountant-General, U.P., Allahabad, it is said that thirteen upper division clerks' services have been terminated; their main point is that they were not declared quasi-permanent, even after three years of service as provided for in rule 3 of the Central Civil Services (Temporary Service) Rules, 1949. So, my most important point is that even though the rules are there, they are not being followed. Of course, I do not forget that there is another rule also in this respect. In contradiction to this rule No. 3, there is rule No. 5 which says that a person can be dismissed, after being given one month's notice, on the ground that he is temporary. But according to rule No. 3, after three years of service, every Government employee must be made quasi-permanent. If he is made quasi-permanent, then, certainly, there is a kind of procedure which has to be followed, and it is only in accordance with that procedure, that he can be sent outside. The question now is this. Why is it that thousands and thousands of people in the civil services are not being made quasi-permanent, even though they have put in three years of service? Why is it that even today, they are temporary? There are so many cases, where the persons have put in service for ten years and even fifteen years, and still remain temporary and according to the rules, temporary means that they can be sent outside at any time, and no reason could be asked for. The point that I would like to urge upon Government is that this rule No. 3 must be implemented, and rule No. 5 must be scrapped, because under rule No. 5, the privileges that have been given under rule No. 3 are being taken away. Whenever a person is given notice of termination of service, it is his right to know why he is sent out, and what are the reasons for his being given that notice. These reasons must be made known to him first.

There is one other regulation under the Railway Security Act, under which the Government servants are handicapped, and that is section 241 (2). There have been some changes in that now. The first change was made in April 1954, and after that, there have been a few more modifications. According to the first rule, sufficient opportunity must be given to the employee to show cause why his services should not be terminated. But from 19th April, there has been a modification to this rule, and the position is that no reasonable opportunity whatever is given to an employee to show cause against any removal of dismissal, where the President is of opinion that the employee is engaged or reasonably suspected to be engaged in subversive activities. I want to draw the attention of the House to two cases in this regard. Even when a person is reasonably suspected to be engaged in subversive activities, the President must see that his services are terminated according to the rule. I would mention the case of a railway employee at Pollachi in this connection. Certain railway employees, who were workers of the

[Shri A. K. Gopalan]

Trade Union had been arrested under this provision of the Railway Security Act. When they were arrested and brought before the court, after a case had been foisted against them, they narrated how the case had been foisted against them, how the evidence had been taken, how reports and statements been taken from them, and how they were tortured for that purpose. How is it that on the basis of a certain report from certain persons that a certain Government employee is engaged in subversive activities, that his services are terminated? We know well who are the authorities that give this report. It is on the report of the police to the effect that a certain person has attached himself to a certain party, or is engaging himself in subversive activities, that he is turned out from service. But he is given no opportunity to say whether it is a fact or not. He has no opportunity to say whether he belongs to any party, or whether he has any affiliations with any party. He is given no opportunity at all to explain his position.

There is a case pending before the High Court, in respect of one Mr. Anantanarayanan. In Pakala, there was a certain railway officer by name Anantanarayanan, whose services had been suspended. He filed a writ in the High Court, and the High Court said that they should not proceed on the basis of the order served on him, and the matter is now pending before the High Court. The charges against him were as follows, and it is on these grounds that action was taken against him:

> "1. You are a member of the Communist Party of India and of the Communist-controlled Union.
>
> 2. You are in touch with the Polit Bureau Secretariat of the Communist Party, Bombay.
>
> 3. You contributed such and such articles........."

It was on the basis of these grounds that action was taken against him. In the High Court, it was said that further action could not be taken on that officer, and the matter is now pending.

There is one other rule dated 10th July 1954. I do not know whether it is a new rule, or only an amendment to an old rule. According to that rule, no railway servant shall permit any person dependent on him for maintenance or under his care or under his control to take part in any way or assist in any movement or activity which is, or tends directly or indirectly, to be, subversive of Government, as by law established in India.

Suppose there is a railway officer. He has somebody in his house who is related to him. Certainly, according to the family custom, in some places there will be 100 or 200 persons in the family and there may be some officers in that family. There may be somebody who is connected with a party; there may be somebody who is not at all connected with the party. Here it is said, 'directly or indirectly'. So, if a report comes that a certain man related to him in some way or directly or indirectly controlled by him is connected with some subversive activity, he is affected even though the officer has not got any opportunity of knowing with what political party he is connected. But if somebody reports that a man related to him is connected with subversive activities then the railway officer is served with notice. It is said in the Explanation that—

> "A railway servant shall be deemed to have permitted a person to take in, or assist, a movement of activity within the meaning of clause (11) if he has not taken every possible precaution and done everything in his power to prevent such person so acting or if, when he knows or has reason to suspect that such a person is so acting, he does not at once inform the Government or the officer to whom he is subordinate."

How is it possible, Sir, that a certain officer will know that some of his relations or others are acting in a manner which is subversive. It is only the police who report about the subversive activities know that. He may be coming to the house but he may not be having any opportunity of even seeing that person. But then the report comes that there is someone in his house who is related to him and who is under his control who is doing something. If action is taken under this rule which was published in the Railway Gazette of July, 10, 1954, then I am sure, according to these Railway Service Security Rules, there will not be a single officer whose services cannot be terminated. I will give a list—I do not want to repeat the names here—for the perusal of the Railway Minister and I will place it on the Table of the House where from you will find not only persons with 12 years, 16 years, 18 years and 25 years of service have been given notice and whose services had been terminated, under this rule. There is no specific charge against the man. That man is not able to know what the charge is and is not able to give a reply. Somebody reports against him that he is engaged in subversive activities and so his services must be terminated.

When I went to Madras I heard of an instance where a certain man named Mumaran is working in *Janasakti* a communist weekly as a clerk in the office. He married a girl who was working in the Secretariat. After one month after the marriage, an order was issued to that girl that because she married such and such a man her services are terminated because he is engaged in subversive activities. After marriage what can be the subversive activity. I do not know if any activity after marriage is subversive activity then everybody who marries will have to be sent out. The subversive activity will not come on the day of marriage. He is not a communist, he is working in the office and he is a man whom she has married and she will also engage herself in subversive activity and so her services are terminated. There will come a time when your services will be terminated if you are a government employee if you look at a communist for one hour.

They are government employees and certainly they must do their work well. But, according to these rules of the Government, they are not made permanent, even after 10 years', 15 years' or 20 years' service. There are two categories of servants who come under the Railway Services (Safeguarding of National Security) Rules and also many other cases where many of these people are not made permanent. There are also others who do not come under this Security Act but whose services have been terminated. In the A.I.R. there were persons with 10, 12 or even 15 years of service, whose services were terminated because they were not made quasi-permanent, and their cases were not considered.

In the Civil Supplies Department in the various States in India, 55,000 employees have been sent out because they were temporary. They have put in more than three years of service. They have been turned out. I have told you how certain persons were turned out from the Accountant-General's office.

In the Defence Services also, in the Ordnance Factories persons are transferred from one place to another. Supposing a person is working in the Ordnance Factory at Kirkee and he is transferred to another place, then he is given an order terminating his services and when he joins at the other place he is given an order as if he was joining a new post. With the order of transfer there is also an order of termination of services, so that whatever services he has rendered previously will not be counted and he will be treated as temporary. In the Defence Services also those who have served for more than three years are taken out.

My request is that rule 3 which is there must be implemented because it gives a safeguard to the government

[Shri A. K. Gopalan]

employees. The safeguard is that whenever their services are to be terminated because they come under the category of quasi-permanent servants, they should certainly be given a reason why they are sent out. They have got a chance to reply also. That must be done. Not only that; if rule 5 is not scrapped, which says that at any time anybody can be turned out, there is no good. Rule 3 should be implemented and rule 5 should be scrapped so that when a government servant's services are terminated after making his services quasi-permanent after three years, certainly he can understand the reason why his services are terminated.

I do not want to go into other details about it. What I have to say is only this. Not only in one department but in many departments both in the Central and the State Governments notices are given to many persons. Persons who have got some qualifications are sent out and some persons who have got lesser qualifications are taken back. Nobody knows the reason why they are sent out after serving for 10 years, 12 years or even 15 years. One fine morning he gets a notice. He does not know what is the reason. He only knows that somebody has reported that he is engaged in some subversive activity. In some places activities of the trade union are taken to be subversive activities.

[SHRI PATASKAR *in the Chair*]

I will give you an example of how two or three people were issued notices. The Vice President of the Eastern Railwaymen's Union, the station master of Kharagpur was issued a notice. He was informed that he was an active member of the trade union. Those who reported against him do not know whether he is an active member of the trade union or whether he is engaged in any other activity. There are several trade unions. The third class employees and the fourth class employees have got their organisations. Because a person is an active member of that organisation and moves and organises, the police report that he is engaged in subversive activities. They do not know what his position in the trade union is and what part he takes in political activities. There are several instances in which, if a man is an active member of the trade union, he is sent out. Anybody whom some people do not want can be taken under this and there are several notices which have been issued to government employees both under the Central Government as well as the State Governments and also to many under the railway establishments. So, the purpose of this Resolution is that it would be better, as I said if rule 5 is scrapped and rule 3 is implemented. Not only that according to articles 309, 311 and 313 of the Constitution, service conditions, security of service and safeguards as far as government servants are concerned must be discussed. According to the Constitution there are two things. The President may make rules, but those rules cannot continue for a long time, and I am sure some legislation will be made safeguarding the security of government employees. If a man, after ten years of service is asked to go, what will he do? There is not one such case, but there are thousands of such men. If their services are terminated then what will be their position? If a man is unemployed, that is a different thing. A man who has been in service and who has developed a standard of living, if he is thrown on the road side without any job, that is not a desirable thing. It is not one or two men, but there are thousands of them. They are never made permanent; because if they are made permanent under the rules, to turn them out a certain procedure has to be observed and Government finds that this procedure is very difficult. Again, under the rules, if they are permanent, they will have to be given some other jobs and therefore they are kept temporary.

5 P.M.

Therefore, the object of the Resolution is only to see that the security of service of government servants is safeguarded. There are instances where under the existing rules anything can be done. As I have said, unless Government does this, discontent is bound to prevail among government employees. They do not know why they are not made permanent. That feeling will remain and it is not good in the interest of the Government not to bring forward a legislation safeguarding the security of government employees.

Shri Gidwani (Thana): While according support to the Resolution moved by Shri Mukerjee, it will not be out of place to bring to the notice of the hon. Home Minister and the House the grievances of the displaced government servants who have been in employment for the last seven years and a half, and a majority of whom are still temporary. Their number is about 5,000.

Mr. Chairman: The discussion, I am told, is to close at 6-10 P.M. How long will the hon. Minister take for his reply?

The Deputy Minister of Home Affairs (Shri Datar): Half an hour.

Shri K. K. Basu (Diamond Harbour): Half an hour is beyond all proportion.

Shri Gidwani: Their number is 5,000 forming about 0,25 per cent, of the entire Government staff. About 3,000 of them were permanent in Pakistan and the remaining 2,000 were temporary. From among these 5,000 about 100 might have been made permanent by now and an overwhelming majority continues to remain still temporary. I need not go into the history of the whole question, but everybody knows that it was not on account of their own choice that they came to India. Circumstances were created as a result of certain decisions which made them leave their country, leave their permanent jobs and come to India. In this respect I may inform the House that the Central Government employees were given the option, that is, those who were in the Income Tax Department, Railway Department, Postal Department and Defence Department were asked whether they would like to remain in India or go to Pakistan. Those who were given the option and who came to India became permanent Indian Government servants. They are given all facilities, privileges and rights of permanent government servants. The Provincial Governments of Sind, N.W.F.P. and Baluchistan were not given that privilege. The government servants there were supposed to remain there in Pakistan even after the country was divided. But, things became very difficult for them and they had to migrate. In the beginning a Transfer Bureau was created and they were taken up in service. It was expected that the Government would realise their difficulties and give them the same facilities and privileges as were given to those who were given the option. If the Government would have done that in the case of those Provincial Government servants, all their difficulties would have been solved by now and there would have been no occasion for me to place this point of view on a general resolution of this nature. Unfortunately the Government thinks that their cases stand on a different footing and it is not a matter of their right that they have been employed. They say that it is a matter of mercy or grace. I certainly feel that it is not a correct approach to the problem. Technically and legalistically they may put that interpretation, but looking at it from a larger point of view, looking at it from a human aspect, they should be treated on a par with other government servants who were employees of the Central Departments and were given option. I would appeal to the Home Minister,—it is not too late even now—to revise the whole scheme and put them on a par with those government servants who were given the option. On this depends their future well-being, their security of service, and the question of their pensions. The whole problem is to be viewed from a different aspect and an early effort should be made to make them permanent and those who were temporary may be treated on a par with the temporary government servants in India. That is the only way in which this problem can be solved.

[Shri Gidwani]

A number of times I have met Shri Datar who has been very sympathetic, but as I have said—and I repeat it once again—no piecemeal action dealing with this problem will help them. Many of them are growing old; some are retiring and some of them have died before getting their pension. If it goes on like this, one does not know when the final decision will be arrived at and when they will be treated on a par with other Government servants. Therefore, I have thought it necessary to bring this question to the notice of this House, particularly to the notice of the Deputy Home Minister who has been dealing with this problem. It is not for the first time that I have brought this matter before him. I have been writing to him and he has also been very sympathetically dealing with it. As I have said, unless you deal with the matter on a broad basis, on a humanitarian basis, on a basis which is not too legalistic and technical, this problem will not be solved and discontentment among the staff will continue. After all, what crime have they committed that they should be treated differently from the government servants here in India? The government servants who were in India benefited by the exodus of the Europeans after Swaraj and the Muslims to Pakistan. My claim is that every post that became vacant on account of the exodus of Muslim government servants to Pakistan, by right, belongs to, the displaced persons who have come from Pakistan. It is not that on account of any special merit that some of the Superintendents became Joint Secretaries, Under Secretaries and Assistant Secretaries during these seven years; but it is as a result of partition which brought about Swaraj. Therefore, every Government post which fell vacant on account of this exodus should, as a matter of right, be filled up, I feel, by the displaced persons. After all, the question is of 5,000 displaced persons now remaining and who have come from Sind and the Frontier Province. The question of Baluchistan has been settled. They have been taken as optees, as Central Government servants were taken. The question of these remaining 5,000 employees deserves the same consideration.

Regarding the other question of temporary Government servants, I say it is high time that our Government revised their whole scheme. Every Government servant who is an employee should feel the security of service, should feel contented, should know his future. If you want full work from him, if you want loyalty from him, if you want efficiency from him, you must do that. What is happening today in the country? I do not know who is responsible, but the fact is that many people are being retrenched, those people who have been in service for a sufficient number of years. Many of them have families. They do not know how to maintain them after they are retrenched. The whole machinery requires, in my opinion, some kind of revision, a change and a radical change. I know our Ministers are carefully looking into this matter, but with the little experience I have got for the last one and a half months as a Member of the Public Accounts Committee,—I will not reveal what I have learnt from there—I have seen that some of the Secretaries are very powerful. They are so powerful that they try to manage things in such a way that our Ministers, with their multifarious activities, are not able to have full control over them. They have their own ways of doing things. There are wheels within wheels. Therefore, in the interests of good administration, in the interests of justice, in the interests of contentment of these employees, it is desirable that this temporary service and quasi-permanent service business should go. Every employee should be made permanent, every employee should feel security of service, every employee gets pension, every employee is assured that after his retirement, his children will not be on the roads or he will not be thrown out of service early. This is essential. We are talking of socialism

Our Prime Minister is very eloquent about creating a socialistic State. One of the fundamentals of socialistic State is that every employee should get security of service and should get all the facilities which a civilised government should give. Some of us who have been outside India during recent days, whether congressmen or non-congressmen, whether in the capitalist countries or the communist countries, have seen one thing which is very clear. Everywhere we went, we found that the services were loyal. because they were contented, because they were happy, because they had no anxiety about the future and their future was assured. Most of our government servants—I will not say they are unpatriotic—but the general feeling is that every one of them wants only promotion, every one of them wants only to serve himself and the interests of public are neglected by them. If we really want that they should serve loyally, efficiently, honestly, sincerely, then, we should try to remove their grievances. This question of temporary and quasi-permanent servants should go and every servant should be given every facility so that he may feel security of service and in every way feel happy and contented. Dr. Katju has not heard me, and he has come now. I would tell him that the first thing that I talked about on this question was about the displaced government servants who came from Sind and the North-West Frontier Province. Their number is only 5,000. I appeal to him to look into their case and see that justice is done to them.

Shri Nambiar (Mayuram): This Resolution seeks that the government servants are given proper security of service, and with regard to their confirmation, that they must have their opportunity to get confirmed as early as possible. Some hon. Members on the other side misunderstood the Resolution. Pandit Munishwar Datt Upadhyay, said that though the wording of the Resolution was all right, the spirit behind the mover of the Resolution was to protect the communists or those who are connected with the communist movement in the services. It is absolutely wrong. Our intention in moving this Resolution is to see that the government servants are well looked after. There is no party politics behind it. If there is any such misunderstanding on that that must be made quite clear.

Shri Velayudhan (Quilon *cum* Mavelikkara—Reserved—Sch. Castes): Including police?

Shri Nambiar: Of course; they are also government servants. They must be looked after properly. The points that shall refer to are three. One is that there should not be temporary service for a long time. Secondly, the quasi-permanency should not be there. Of course, if the period is for a few months only, before they are confirmed, we can understand. It should not go for a long period. The third is, there must be proper security of service in the sense that there should not be harassment. These are the three points. With regard to harassment, the mover has quoted a particular rule and he said that the rule is meant for safeguarding security of Railways. You could see that that rule has not been made after the new Constitution came into force. That rule which was made in 1949 reads as follows:

> "In exercise of the powers conferred by sub-section (ii) of section 241, section 247, and sub-section (iii) of section 266 of the Government of India Act, 1935, the Governor-General is pleased to make the following rules, namely, these rules may be called "The Railway Services (Safeguarding of National Security) Rules, 1949."

It is dated 14th May, 1949. So, the present rule which is under discussion was promulgated in the days of the Governor-General in 1949, when the Government of India Act was in force. Today, we have got a different Constitution, and according to that Constitution, this rule is not correct and proper. They may legally argue that

[Shri Nambiar]

no court has ever said that this rule is *ultra vires* of the Constitution

Mr. Chairman: At that time, the Governor-General was more or less a constitutional Governor-General.

Shri Nambiar: May be. What I submit to you is this: that the spirit behind this rule also must be changed after the Constitution. What is it that this rule says? It says that a member of the railways who, "in the opinion of the competent authority, is engaged in or is reasonably suspected to be engaged in subversive activities," or if associated with others in subversive activities," can be brought to book. See the ambiguity and yet all too comprehensive and powerful nature of the wording of the rule. Anybody who has to be proceeded against, can be brought under this rule, because this rule is such that it gives power for anybody to be brought under it. The person is to be "suspected of being engaged in or associated with or is reasonably suspected," only to get involved. This is a very difficult position. In government service, whether he is a railwayman or otherwise, if only the Government wants to act against the person, he can be brought under this rule.

Apart from this, there is now a change which has been brought to this rule. The amendment says that he can be compulsorily made to retire. Formerly, the provision of asking him to be removed from service was there. Now, that is removed. This is to circumvent the spirit of article 311 of the Constitution. Thus they have recently made this rule still worse. Under this rule, no government servant will ever be safe. So, the aim of this Resolution is to do away with this rule. Let there be the usual proceedings against the government servant who commits an offence, and he can be discharged or dismissed. Otherwise, there will be no security for the servants. This rule has been misused and we have fought against this. During the last year, I had occasion to speak on the same subject. I have elaborately dealt with the subject and I have quoted the instance of about 600 persons removed under these rules; it amounts to about 350 in the railways and the rest from the other departments. I have given a long list of names to the Minister of Railways. Not only I, but the Leaders of the Opposition Groups here once met the Railway Minister and pointed out to him that what was done was wrong. They asked him to have sympathetic consideration of these cases and to take them back to duty. In certain cases—about 20—he did; in other cases he said that what was done by the Railway Board in previous years should continue.

The spirit with which we approach the subject is not one of party politics. Whether it is the Congress or the Communist or the Praja Socialist Party, let us all see that the position of the services is made secure. Let us take that attitude. If it is not so, as and when the Government changes and different personalities come to power, there will also be a change in the executive. There will be no end to these changes. Government servants will also take part in these party quarrels and there can never be a proper governmental machinery in the country. What I submit is that there should be a spirit to look after government servants properly. It is only with this spirit that we moved this Resolution.

Incidentally, we request that in all such cases where discharges have taken place since 1949—as it is a big number, not 2, 3 or 10—the Government should go into the question. If they find it difficult for the concerned Minister let there be a Commission or a judicial enquiry or a judicial review. Let there may be a tribunal; a Judge of the High Court or an ex-Judge be entrusted with the work of going through all the cases and seeing whether it was properly done. If there is justification for taking them back, then take them. This is a very reasonable suggestion which we make. The main brunt of this rule is borne by the railwaymen. That is why the hon. Mover has mentioned the railway services particularly. There are so many cases of railwaymen who were dismissed. Firstly, they were taken to the jails under the Public Safety Act—about 100 such cases are there in the Madras State alone. As soon as they were released, instead of allowing them to go back to duty, they were discharged from service under the Safeguarding of Security Rules. These persons who were arrested and put in jails were not politicians or leaders; they were ordinarily workers, gangmen, pointsmen, labourers, fitters, etc. After their release, when there was no case against them, when the authorities were satisfied that their detention was wrong and they were released honorably, instead of giving them work, they have been discharged under these rules.

There is another category which I should like to quote. It is the category of persons against whom criminal prosecutions were launched in some guise or the other. They were acquitted by the Court. As soon as they were acquitted by the Court, instead of taking them, they were roped in under these Safeguarding of National Security Rules. If they could not be convicted for that reason and removed from service, then this alternative method was resorted to.

In Madras I could quote another instance. There was the Criminal Law (Amendment) Act in force and many were prosecuted under it. When the Supreme Court or the High Court decided that this Criminal Law Amendment Act was void, some persons were roped in under the Safeguarding of National Security Rules. These are instances which clearly show the motive with which the authorities were acting. That was why there was a misapprehension in those days when all were termed as communists. That is where the question of communism comes in. When a trade union is under the leadership of the communists it is termed as a communist-controlled trade union and any member of that union or any active member in it was proceeded against and to be dismissed or discharged. They thought that if there was a particular trade union the office-bearers of which were communists, then all the members of that trade union also have communist ideology. Interpreting it that way, they would remove him saying that he is involved in subversive activities. There was so much misapprehension about the Communist Party in 1949; it was also banned. Anybody connected with any trade union and demanded certain rights was looked upon as somebody connected with the Communist Party and was proceeded against under these rules.

Now the situation is quite different. The Congress Government might have understood clearly how the Communist Party is working. It is no connection with any subversive activities, openly or indirectly. There is no doubt about it. Let them not be under that illusion, that it is after the blood of somebody. I do not understand this thing—anybody who, has got any connection whatsoever with the Communists is to be removed from the services also?

Mr. Gopalan has quoted a very funny instance of one communist marrying a government servant in the Madras State. The girl is working in the government service and the boy is a communist. Therefore, the girl is given a notice under the Safeguarding of National Security Rules. Communists cannot even get girls to marry! Communists cannot get husbands! What is this?

Mr. Chairman: Perhaps they fear that the communists might infiltrate...

Shri Nambiar: In the bed room, the file will be passed on to the Communist; he studies the file; he goes to the communist office and says: 'I have got a file through my wife, do not tell

[Shri Nambiar]

anybody.' What is this? It is as if Government secrets are always given to the girl and that girl passes them on to the communist! Or, we cannot otherwise know anything about the secrets of the Government at present. This is so fantastic and ridiculous. Let us not reduce the government servant's position to this level. Let us think in a dispassionate manner and see whether such instances should recur; let us give the services a proper security and assure them of that. The Communist Party will help you to do so and to create a spirit of understanding among the services that they are secure. It will not desert the services; that is not our intention. Let us not be working under that illusion. I request that those cases which we have brought to the notice of the Railway Minister and the other ministries may be sympathetically considered even though several years have lapsed. Let them be at least re-employed and given a chance to serve. In the present days of unemployment and poverty, these people are suffering very much and let them be treated with sympathy rather than on a party basis with the political differences. This is my appeal to the Home Minister. (*Interruptions*). He will certainly consider all these. I request him to be receptive with his able Deputy Minister. The Railway Deputy Minister is also present here. Let them put their heads together and sympathetically consider this issue and be just to the services. That is my earnest request.

Shri Keshavaiengar (Bangalore North) *rose—*

Mr. Chairman: I propose to call the hon. Minister to reply...

Shri Keshavaiengar: I will finish in five minutes.

Mr. Chairman: I rise to participate in this debate today with some mingled feelings of pain as well as pleasure, pain because I feel that the Resolution as it has been worded is not so very happy and that is why it warrants all sorts of apprehensions and fears in the minds of some of my friends. We could not see the real truth of the statements made by my friends on the other side—Mr. Gopalan, Mr. Nambiar and others—that they have weeded out of their minds everything that is against the interest of the country and that they are not hankering after blood and all things of that kind.

Shri Gidwani: They have become non-violent.

Shri Keshavaiengar: I do not want to elaborate on the several acts of omission and commission of the communists. Their ways are mysterious. There have been instances where even officers of Government have married Communist wives, even Secretaries' wives have been communists, and we have been put into all sorts of difficulties on account of that. There is no wonder they want to be careful. Even today one of my friends was remarking: how is it that the Secretary of the Chinese Embassy has been very particularly anxious to attend the debate on the Andhra Government today in our House?

That apart, I am one of those who will, with all the vehemence at my command, condemn my own Government for their misdeeds in respect of their dealings with their employees. No doubt Government is the biggest employer in our country and it ought to take care of its employees first and foremost. Particularly, as was mentioned rightly by my friend on the other side, our Leader having promised a socialistic State, we are legitimately bound to take care of the welfare and interests of the lower class employees. In fact, I am not unaware of instances of the misdeeds, if I may so call them, of the Railway Department itself. Very recently I have had communications from my friends from Bangalore that some hundreds of railway employees have been dismissed for no reason whatsoever and a serious agitation is going on in the Goods Shed attached to the Bangalore railway station.

I would very much relish and would certainly welcome the suggestions made by Mr. Nambiar if only he had put in a proper Resolution. The Resolution, as it is worded, appears on the face of it to be a very innocent one. It looks as though it is going to champion the cause of the thousands of Government employees. But ultimately, in the end, you will find that it seeks the total abolition, the repeal of the Railway Services (Safeguarding of National Security) Rules. That question of repealing the Security Rules is pregnant with potential mischief and would even paralyse the very administration of our Government. Transport is one of the most essential factors for the administration, and the real cat was out of the bag when Mr. Gopalan referred to the Pollachi railway arrests and the consequent dismissals under these Rules of some of the employees who have been deemed to belong to the Communist Party.

Whatever it is, let us not bother about party alienations. But if the Communist Party desires to have better treatment at the hands of the country and the people, I think it has got to put up a very good period of good behaviour and perhaps they are on their trial now.

Shri K. K. Basu: You will be appointed honorary judge.

Shri Keshavaiengar: Thank you. You will get justice at my hands.

But for the last wording of the Resolution I would have heartily supported the proposition. The categories of temporary employees, quasi-permanent employees, all these things have got to be done away with, and after a sufficient period of service, say, two or three years, every government employee has to be made permanent. But the latter part of the Resolution, in my opinion, is very harmful, and the genuine interest that is claimed by my friend Mr. Nambiar is not vouchsafed in the form in which the Resolution has been put. If it was really intended for a modification of those rules, he ought to have asked for the revision of those rules and not for their entire repeal.

I am one of those who feel that my friends on the other side, whether they are Communists or belong to any other party, are as much partners in the administration of the State and as such they are as much interested in the national security of our country as any others. Nothing can be done to damage that portion of the administrative set-up. With these terms, therefore, I have no other alternative except to oppose this Resolution.

The Deputy Minister of Railways and Transport (Shri Alagesan): I shall not take much time. As far as the repeal of the Railway Services (Safeguarding of National Security) Rules is concerned, the House may remember that last year in April Mr. Nambiar brought a Resolution which was debated and negatived. Of course it has again come in another shape.

I may clarify certain matters. Mr. Gopalan seems to be under the impression that the revised rules give less opportunity to the employees against whom action is taken, than the previous rules. They enjoy the same privilege. They are given a standard form of notice and they are allowed to reply to that, which is considered by a committee of advisers. The only difference is that while under

[Shri Alagesan]

the prior rules they could personally appear before this committee, now that has been taken away and they are allowed to appear before their head of department. Except for this small difference, the opportunity to be heard, the opportunity to make proper representations against the charges that may be given against a particular employee is kept intact. In one respect the revised rules are an improvement on the prior rules. Formerly they were allowed to go on leave, and once their leave is exhausted, if a decision was not taken in their case sufficiently quickly, they had to suffer; whereas now they are placed under suspension, though they may also take leave if they so choose, and for the period of suspension until the action is finalised they do not suffer as they used to suffer. Therefore the idea that the revised rules go to cause hardship is not correct.

Then a particular case was mentioned that was with reference to the Assistant Bridge Inspector of Pakala. In his case action was taken under the original rules of 1949. And in his reply he wanted to be heard. Before that hearing could be granted, the revised rules came into force. And so a fresh notice was issued to him. Instead of replying to that notice that gentleman elected to file a writ application before the Madras High Court, and the High Court has stayed the proceedings against the employee. So there the matter stands.

Shri Nambiar was trying hard to explain that there is no political motive or bias involved in it and that nobody should look at the resolution in that way. He himself said that on his representation certain action was taken by the Minister. So that will convince him that as far as we are concerned we do not look at it with any political bias. Surely in an organisation which perhaps employs the largest number of labour, namely a million, this elementary precaution of taking security measures to insure the stability of the State will, I think, be conceded. It is very very imperative. And when you look at the number against whom action has been taken, you will find that against a total force of a million, the number of people against whom action has been taken is very, very small. And even with regard to that small number, we recently had a review and were able to reinstate about 22 people. So, that will show that it is not the intention of the Government to work these rules in a harsh way against any employee. This is simply a sort of reserve power. It is there to protect the stability of the State, as well as proper conduct of transport in this country.

I have nothing more to say. I think this will satisfy the hon. Members.

Shri R. K. Chaudhuri (Gauhati) *rose*—

Mr. Chairman: Unless the Minister is able to reply, what is the use?

Shri R. K. Chaudhuri: I will take only a few minutes.

Mr. Chairman: All right, five minutes. But the more important part is the reply of the Government which people do not choose to hear.

Shri K. K. Basu: Mr. Chaudhuri knows what reply is coming.

Shri R. K. Chaudhuri: I want to take this opportunity of drawing the pointed attention of the Government to certain cases of hardship which smacks of the insecure character of the present-day Government services.

Of course, my experience is more or less confined to my own State of Assam. There, about seven years ago a Selection Board was formed and that Board selected a certain number of employees in the All-India Radio. After seven years of time there was a proposal to retrench some of them. The Union Public Service Commission was asked to decide which of these people would be retrenched. Now, they were appointed by a regular selection Board and were kept all the same for seven years on a temporary basis. I have nothing to complain against the Home Department. When the Home Department was apprised of this fact, they came to some sort of rescue and stopped this process after 22 persons had been retrenched. They saw the injustice and inequality of the whole affair and they stopped the process of further retrenchment. But some of the persons who were retrenched were drawing a salary of Rs. 410. Of course, since then, attempts have been made by the Department to employ them in some capacity or other, and again on a temporary basis. Now, after a person has served for seven or eight years in a temporary capacity, he is retrenched and again he is employed on a temporary on half the salary which he got before. This certainly would tend to a sense of insecurity in the services.

I have nothing to complain or say against the Home Department. As a matter of fact, when I and some of the Members had brought this matter to the notice of our Deputy Minister, Mr. Datar, he took action, and through his efforts, some people were fortunately able to get some sort of service in order to get their living.

Then, I have got to bring to your notice another kind of hardship which the present-day officers or employees of the Government are under-going. Whenever any complaint is made against a government servant regarding his conduct—about misappropriation or cheating or anything of that kind, or forgery—he is given the option either to ask the Government to have criminal proceedings instituted against him, or the Government may take departmental action against him, but they cannot take both together. But the tendency which I find in the Government nowadays is that after a person has been prosecuted in the Court and after he has been acquitted honourably by the Court, then again proceedings are drawn up against him departmentally. This was not the case before. This new tendency, I think, ought to be curbed. They have exposed the man to criminal prosecution and after he has gone through the harassment of the criminal prosecution, after he has been able to get justice from the Court, he should not be further subjected again to departmental action in respect of the same charges. And in a number of instances where it has been done, where departmental proceedings have been started against him and the Department finds nothing against him, in comes the Delhi Special Police Establishment. They act generally on anonymous letters. In comes the Delhi Special Police Establishment and they say: "We have got information about the conduct of this man". They ask the Government to put him under suspension, they ask the Government to transfer him, so that they may have an unhampered police enquiry, and this enquiry sometimes takes a long time. Even though the Department considers that the man is not guilty of anything, even though proceedings under regular enquiry have been held by the Department and they have come to the conclusion that no offence is proved against him, even then he is again prosecuted by the police. And I would like to tell this to the hon. Home Minister that most of such cases have again ended in acquittal and unnecessary harassment has been caused. The person had a double ordeal to undergo, one under departmental proceedings, and the other criminal proceedings. Is it not double harassment? Does it tend to bring about contentment and a sense of security in our services?

The third point which I desire to urge here is the very unfortunate condition, the unfortunate lot, of the displaced government servants. Some of these displaced government servants had held very high positions and lucrative posts under their own Government, but subsequently when they

[Shri R. K. Chaudhuri]

came here, they were provided in many cases with a salary which was one-forth or less than that of what they used to get in their own State before partition. Now, some of them are nearing the age of superannuation. What will be their fate? Ordinarily, they would get as government servants one half of the salary which they are drawing now. But their salary is so much less than what they were drawing under their own Government before, and on account of these enforced circumstances, they are now to get not even the half of the salary which they are getting now. I am told they would be getting....

Mr. Chairman: May I draw the attention of the hon. Member to the fact that the case certainly deserves sympathy, but it is outside the scope of the Resolution?

Shri R. K. Chaudhuri: The friends before me had urged for taking steps for removing this sense of insecurity. Now, so far as the sense of insecurity is concerned, I give you concrete instances. It was in 1942 that for some reason or other...

Mr. Chairman: May I bring to the notice of the hon. Member that he is unfortunately very late, and I must give at least 20 or 30 minutes to the hon. Minister. Or else, what is the use of this debate?

Shri R. K. Chaudhuri: Give me three minutes.

One of the points is about the sense of security of the services. This is a very vital point which has been raised in the speech. This security was first given a sad blow when in 1942 or thereafter, a large number of Government employees were taken by the Government of India. At that time, when the competition was between a young man and a young woman, naturally, you know, who would have been at a disadvantage. But all that is over. But that was the war condition. After the war was over, retrenchment was made. But who suffered most, the men employees or the women employees? There was a sense of insecurity at that time. Now, another sense of insecurity has come. The older a woman grows, there is always a sense of insecurity for her. The older a woman grows, the more insecure her position becomes in the services, if she is not put on a permanent basis. That is a factor which has to be taken into consideration. I am not generally in favour of supporting women serving under the Government, but when this is now taking place, when the position of a woman who has gained experience is becoming insecure, I think it is time for Government to think whether we should have more women employees or whether we should put a stop to that.

Shri Datar: So far as this Resolution is concerned, a portion of it in another form was, as my hon. friend Shri Alagesan has pointed out, brought before this House in 1953, and it was thrown out. Now, the Resolution has been brought before this House in a wider form, concerning not only the Railway Ministry, but all the Ministries as a whole. It is, therefore, necessary to point out how Government have been taking steps to guarantee, to the extent that is possible, full security of service, so far as our Government servants are concerned.

Is is for this purpose that I would like to take the permission of this House for pointing out how the number of temporary servants rose to a phenomenal length during the war, and how Government were faced with the problem of retrenching those whose services were not necessary at all. The hon. Mover of this Resolution desires that the security of service should be guaranteed in a particular way, and he has pointed out three ways in his Resolution. One is that the different categories of temporary and quasi-permanent servants should be abolished. Secondly, he has suggested the classification of all the Government servants as permanent. And thirdly, he has added that there ought to be a repeal of the Railway Services (Safeguarding of National Security) Rules

It will be found that the remedy hat he has suggested is not the :orrect remedy at all, so far as the ;uarantee of security of service to hese persons is concerned. Therefore, [would point out to you how Government have been tackling this problem, during the last seven or eight or nine years. You would agree that as a result of the Second World War, Government activities were enlarged in different fields, and therefore, Government had to establish a number of temporary Departments, and even in the other Departments, they had to employ a number of temporary persons. So long as the tempo of the war was there, naturally, all these persons had to remain in service. During the war, it could not be possible to say as to how many Departments were to remain permanent, or how many of these employees could be given the benefits of permanency. Therefore, so long as the war lasted, this question could not be tackled at all. Immediately after the cessation of this war, Government took up this question, and they desired to find out what exactly was the number of employees that were required for carrying on Government work in Civil Departments. You will note that at that time, Government had to take up the question of retrenchment of the temporary staff, because the temporary staff was far beyond the strength that was necessary for carrying on Government work in various Ministries. Therefore, before the question of reorganisation of services had to be taken up, Government had to take up the question of retrenchment of the large number of temporary employees, because if they were kept in service, Government would have to pay them, and the cost to the nation would be absolutely prohibitive; and for that purpose, Government took up the question of retrenchment of the excess staff.

So far as the retrenchment was concerned Government had two problems. One problem was that the number of employees was far in excess of the requirements of the then Government. Secondly, during the war, on account of the exigencies of the war, a number of persons had to be taken. who were not entirely qualified at all. Therefore, these two questions had to be considered, and Government issued orders regarding retrenchment. They stated that while retrenchment was to be effected, certain categories should be followed, according to which those who were not qualified, those who had no educational or other qualifications, or those who had not perfected their qualifications by a stated number of years of service under Government, ought to be retrenched first. To this rule, naturally, a number of exceptions had to be made, and Government have been very careful, since this question of displaced employees arose, to give the greatest measure of not only sympathy, but protection to these displaced Government servants, and therefore, certain rules were made. And those rules are being given effect to the extent that is possible. This is only so far as the excess of the employees is concerned, and so far as those who were not educationally or administratively qualified were concerned.

You will also note that so far as the temporary character of the services of these persons is concerned, that is a matter which could not be helped at all, and when their number was in lakhs, it would have been entirely impossible for any Government to grant permanency or confirmation to such a large number of servants, because it would be beyond the capacity of Government, though it is very large, to continue to employ these persons.

Therefore, you will kindly understand the first circumstance, namely that during the war, on account of the exigencies of the war, and later on account of the exigencies of the post-war conditions, certain Departments which were of a temporary nature had to be created. You are aware that the Rehabilitation Department, and a number of other Departments, like the Supply Department, etc. had to be created at that time. But a time has

[Shri Datar]

to come when these Departments have to be wound up. That is a question which has to be understood by the hon. Member, and therefore, it is not so easy to grant confirmation or permanency of service to all the classes of government servants, whether they are temporary or quasi-temporary, or whether they are purely temporary. Therefore, I would submit to this House that there are certain classes of government servants, and there are certain classes of Departments which are temporary, and which have to go. On a number of occasions, this House has expressed itself in favour of economy. Now, no economy could be effected by keeping this excess staff in Government employment. Therefore, we have to understand it very clearly, that only that staff should be retained, who would be necessary and would be required for carrying on the activities of Government.

But I may point out that even in effecting retrenchment, Government have laid down certain principles, namely that those who had qualified by putting in a stated number of years of service would not be retrenched immediately. An order was laid down, or a category was laid down, according to which those who had to be retrenched first were to be retrenched, and those for whom certain special or compassionate considerations were there would be retrenched last. I may also point out to you that Government have been extremely considerate to such a class of temporary persons, even where they were retrenched, for Government have laid down a rule that retrenched government servants would have the topmost priority or the highest priority for re-employment in Government service.

Shri A. K. Gopalan: According to what the hon. Minister says, as we understand him, when there is a war, they will be taken into service, and when there is no war, they will be thrown away.

Shri Datar: When wars are over, employment during war has also to go.

6 p.m.

Shri A. K. Gopalan: New channels of employment should be found.

Shri Datar: New channels are being found but wherever new channels are opened, such of those persons who have been retrenched are being given service. In such cases, you would agree, that it would be extremely difficult for Government to offer a permanent appointment immediately, because permanent appointment naturally casts upon Government a number of responsibilities and financial commitments for years to come. That is the reason (*interruptions*) why there are a number of temporary employees.

Then I may point out to the House that after this we had the Constitution. Even before the Constitution, Government had the task of reorganising all kinds of services under the Central Government. This Government has reorganised the Central Secretariat Services, the Central Secretariat Clerical Service and the Central Secretariat Stenographers' Service and most of the persons who were required for the permanent strength of the Government have already been made permanent.

In certain cases, rules have been made by the various Ministries including the Finance Ministry that eighty per cent. of the temporary posts likely to be required on a permanent basis should be made permanent immediately.

Then there is the Defence Department also which has recently passed an order that 40 per cent. of the temporary staff should be confirmed immediately. You would thus see that all the Ministries of the Government are fully alive to the problem of giving as much security of service as possible.

You will also understand one more circumstance. It appears my friends have not understood why the quasi-permanency clause was introduced at all. Government found that there were a number of persons who could not be confirmed because there were no vacancies in the permanent cadre of the government services. But Government felt that there were a number of persons who had been in service for long periods of 6 years, 8 years, and in some case for still longer periods. Therefore, Government had to evolve a new rule under which they would be considered as almost permanent—as quasi-permanent. Quasi-permanent certificates were issued to those who had put in more than three years of service. My friend Mr. Gopalan did not read the rule correctly. So far as rule 3 of the Central Services (Temporary Services) Rules is concerned, the very first sentence is very clear. A government servant shall be deemed to be a quasi-permanent servant if he has put in continuous government service of more than three years. I would draw his attention to the second rule. It says:

> "If the appointing authority, being satisfied as to his suitability in respect of age, qualifications, work and character for employment in a quasi-permanent capacity, has issued a declaration to that effect....."

Therefore, his work has also to be taken into account. We have here a large class of government servants who are displaced government servants. In their cases, certain exceptions have also to be made and taking all these circumstances into account, Government have issued to a very large class of these temporary servants what are known as quasi-permanency certificates. They are granted almost all the concessions as are given to permanent government servants.

So far as the regular cadre of government service is concerned, there are various classes and grades of service and in certain grades where the number is very large, Government have confirmed those who could be confirmed immediately. In addition to that, Government have created, in the interests of the temporary employees, a new class of persons who would be placed on the way to permanency, what is known as the Regular Temporary Establishment. A list has also been prepared and a very large number of persons have been put on that list and as and when vacancies arise in the permanent posts they are immediately taken away from the RTE list and put in the confirmed list. Therefore, you will find that Government are fully aware that as much as possible a sense of security has to be given to all government servants. Failing complete security, Government would give such security as they can under the peculiar conditions at present prevalent in India. We have, therefore, confirmed all those whom we could confirm against permanent posts. We have also granted quasi-permanency certificates; we have taken a large number of persons on the RTE list....

The Minister of Defence Organisation (Shri Tyagi): What about the Ministers?

An Hon. Member: What did Mr. Tyagi say, Sir?

Shri Datar: It is off the record. He said that some security should be given to the Ministers also.

Shri Tyagi: They are also in temporary service.

An hon Member: If they behave all right they will continue; otherwise they will be thrown out.

Shri Datar: Therefore, you will find that these are the positive ways in which we have granted security of service to the various classes.

Lastly, it was contended that the Government were following arbitrary methods so far as the removal or dismissal of certain persons from government service is concerned. In this connection, very pointed attention has been drawn to the Security Rules. So far as the Constitution is concerned, reliance was placed by hon.

[Shri Datar]

Shri Gopalan and others on article 311. Article 311 says that—

> "No person who is a member of a civil service of the Union or an All-India service or a civil service of a State or holds a civil post under the Union or a State shall be dismissed or removed by an authority subordinate to that by which he was appointed."

And then, in the case of removal a certain procedure is laid down.

Shri A. K. Gopalan: Will you please enquire about the case where the government servant was dismissed after the marriage?

Shri Datar: I shall make enquiries about all the cases with which the Government of India are concerned. I would invite the hon. Member's attention to proviso (c) to article 311, where it is stated that where the President or Governor or Rajpramukh, as the case may be, is satisfied that in the interest of the security of the State it is not expedient to give to that person such an opportunity which has been referred to in the earlier portion of the article it need not be given. You will find that in the light of the provisions of article 311 of the Constitution rules were framed and orders were passed by the Government. Rules had been first framed under the Government of India Act, 1935, and after the Constitution, they were brought up to date.

So far as the Railway Ministry and other departments of the Government are concerned, the Security Rules are almost on the same footing. In one case it is a body of Advisers that is appointed in the case of the railway employee and in the other case it is a committee of high officers of Government which is appointed; and then an enquiry is made. After the enquiry is completed, when a railway employee has to be removed from service or retired compulsorily or when any other employee under the Government of India has to be removed, then a convention has been developed according to which the Minister personally looks into the matter before an order for such removal is passed. That is one safeguard that orders are not passed on a lower level.

Then there has been another innovation in the interests of these persons. It is that in such cases it is the President who would pass final orders so far as the other departments are concerned. Whenever any action is proposed to be taken under these Security Rules, the final order would be passed by the President, that is, by the Government of India and by the Minister concerned.

Now, so far as this particular resolution is concerned, it is not necessary for me to deal with it at great length because such a resolution has already been thrown out, but, you will kindly understand that there are certain associations in India which are carrying on subversive activities and these subversive activities, naturally, are secretive in nature. I know that certain associations have passed certain secret resolutions that their next objective would be infiltration into the services. That is a point which has to be understood very carefully, and in the interest of security of India, Government will have to take action. Such action cannot be of the ordinary or normal type because, there the security of the nation is concerned. Therefore, Government will have to take the highest precautions to see that whatever is done, would not be against the interests of the nation. It is for this purpose that the interests of the nation have been put at the top, and so far as an individual's right to service is concerned, all possible steps consistent with the security of India are taken into account. Now, he is given a hearing; the charges that are against him are intimated to him, not merely for holding any particular opinion, but for engaging himself in certain subversive activities. You will kindly note that a Government servant is not entitled to associate himself with any political organisation. When he does so, even under the Government Service Conduct Rules we can take action against him departmentally.

Shri Gidwani: Can he enrol Congress members?

Shri Datar: No; he cannot. If he goes on enrolling Congress members that would be associating himself with the political organisations.

Shri Sadhan Gupta (Calcutta-South-East): It may give him a right to promotion.

Shri Datar: As I pointed out, when such an act—active participation in the work of a political organisation—is carried on, the normal action of departmental proceedings is taken. But, when this is carried on further and his political work is not ordinary political work but of a subversive character, it is harmful to the nation. When that action has been carried on to what is known as 'over-pitch' and the Government are fully satisfied of the bad actions of the man, in the interest of the country Government will have to take action according to the requirements of the situation. The Government will have to—not remove him from service—retire him compulsorily. There is a lot of difference between the two. A man is dismissed from service on account of certain actions which involve moral turpitude. There may be certain technical offences where his removal from service may be necessary.

Mr. Chairman: The time is up.

Shri Thimmaiah (Kolar—Reserved—Sch.—Castes): He is taking away the time allotted to me.

Mr. Chairman: I will see that your resolution comes up.

Shri Datar: Therefore, in all these cases Government will have to be extremely careful. All the material available with the Government is fully looked into as anxiously as possible in the interest of the man also, and then only final action is taken. The action that is taken is more or less of a mild nature; that is what you will kindly understand. He gets pension, gratuity and whatever other rights he is entitled to just as when a man is retired, say on the grounds of health etc. So, for these reasons you will find that Government are extremely considerate so far as this man is concerned.

Lastly, I will say a word so far as displaced government servants are concerned. I am afraid my friend is not right when he points out that 5,000 Government servants from Sind and N.W.F.P. are still temporary. However, I promise to my hon. friend that I will look into this matter. They are being given the greatest and the most sympathetic consideration. In certain cases they are given rights on account of their service which they had in the former undivided Provinces of Sind and N.W.F.P. Therefore, all that is possible is being done and Government have the fullest sympathy consistent with the requirements and with the sympathy towards all other classes. There are a number of rules which have been made in the interests of these persons. Therefore, I would point out that the interests of these persons are always before us and whatever is possible will always be done as sympathetically as is possible.

Pandit Thakur Das Bhargava (Gurgaon): Remove the distinctions between Sindhis and other displaced persons.

Shri Datar: He made a pointed reference to Sind and N.W.F.P.

Pandit Thakur Das Bhargava: What I say is: remove all the distinctions. Whatever concessions you have given to others, be pleased to give those to them also.

Shri Datar: They are being given and they are even given more.

Shri Gidwani: They are not being treated as optees.

The Minister of Home Affairs and States (Dr. Katju): I do not want to

[Dr. Katju]

add anything more to the clear statement of my colleague. I only rise to draw the attention of the House to one particular aspect of this problem to which no reference has been made. Our hearts go out in sympathy to all those people who have been working as temporary hands for the last many many years. They have responsibilities; they have their families and they have their children to support. As my colleague has said the Government is doing everything possible to give them security and tenure of office. But, the basic thing is, the Parliament and the public demand that there should be utmost economy in administration. This is the point that I want to place before you. Supposing Government require 5,000 or 10,000 people, then in the normal course if there were no surplus employees, there would be an intake from the current generation—students who come out of their studies—say, 100 or 500. The result that I have seen now is that because of the confirmation of the old temporary hands recruitment from new people coming out of colleges has completely stopped for many many years. You confirm old temporary men and then you shut out recruitment from the young people with the result that the younger generation suffers. There is frustration among them and it creates a lot of difficult problems. I only want the House to bear this in mind.

Secondly, when you recruit from different age groups from year to year, then on the date of retirement of the old people, this age group comes into working and there is no big gap left. But, if you confirm older people when at their age of superannuation they retire, you will find that you may require 50 or 100 people at once and the newer people will not be able to cope up with the work. This is the point that I want the House to bear in mind.

Mr. Chairman: Now, I will put the motion to the vote of the House.

An Hon. Member: Let him withdraw.

Mr. Chairman: Shri H. N. Mukerjee, the Mover, is not here so there is nobody who can withdraw it. I will put it to the vote of the House.

The question is:

> "This House is of opinion that Government should take immediate steps to guarantee security of service to Government employees by abolishing the different categories of temporary and quasi-permanent Government servants and by classifying all such employees are permanent after a certain number of years of service and also by repealing the Railway Services (Safeguarding of National Security) Rules, 1954 and similar other Rules and provisions applicable to the Government employees."

The motion was negatived.

RESOLUTION *RE*: APPOINTMENT OF A LAW COMMISSION

Shri Thimmaiah (Kolar—Reserved—Sch. Castes): I beg to move:

> "This House resolves that a Law Commission be appointed to recommend revision and modernisation of Laws, Criminal, Civil and Revenue, substantive, procedural or otherwise, and in particular the Civil and Criminal Procedure Codes and the Indian Penal Code, to reduce the quantum of case-law and to resolve the conflicts in the decisions of the High Courts on many points, with a view to realise that justice is simple, speedy, cheap, effective and substantial."

Several Hon. Members: Next day.

Mr. Chairman: I think the hon. Member is not likely to finish in ten minutes.

Shri Thimmaiah: No.

Mr. Chairman: Then I think he may carry on with his speech next day. Moreover there are only very few Members now present in the House.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, the 22nd November. 1954.

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RACHIAH, SHRI N.—

Resolution *re* President's Proclamation *re* Andhra. 427-28.

RAGHAVACHARI, SHRI—

Resolution *re* President's Proclamation *re* Andhra. 412, 414, 427, 500, 512.

RAGHURAMAIAH, SHRI—

Resolution *re* President's Proclamation *re* Andhra. 412, 413, 441—48.

RAO, DR. RAMA—

Resolution *re* President's Proclamation *re* Andhra. 426, 491—96, 508.

REPORT(S)—

Motion *re* Fourteenth —— of the Committee on Private Members' Bills and Resoultions. (*Adopted*). 515.

RESOLUTION(S)—

——*re* appointment of a Law Commission. 564.

—— *re* President's Proclamation *re* Andhra. (*Adopted, as amended*). 409—516.

RESOLUTION(S)—*contd.*

——*re* security of service to Government employees. (*Negatived*). 516—64.

S

SERVICE, SECURITY OF—

Resolution *re* —— to Government employees. (*Negatived*). 516—64.

SIVA, DR. GANGADHARA—

Resolution *re* President's Proclamation *re* Andhra. 414, 476-77.

T

TEK CHAND, SHRI—

Resolution *re* President's Proclamation *re* Andhra. 496—502.

THIMMAIAH, SHRI—

Resolution *re* appointment of a Law Commission. 564.

THOMAS, SHRI A. M.—

Resolution *re* President's Proclamation *re* Andhra. 470—76.

U

UPADHYAY, PANDIT MUNISHWAR DATT—

Resolution *re* security of service to Government employees. 517—24.

G

GANDHI, SHRI V. B.—
Business of the House. 409.

GIDWANI, SHRI—
Motion *re* Fourteenth Report of the Committee on Private Members' Bills and Resolutions. 515.
Resolution *re* President's Proclamation *re* Andhra. 427.
Resolution *re* security of service to Government employees. 533—37.

GOPALAN, SHRI A. K.—
Resolution *re* President's Proclamation *re* Andhra. 426, 427. 429—41, 442.
Resolution *re* security of service to Government employees. 524—33, 555, 556.

GOVERNMENT EMPLOYEE(S)—
See "Employee(s), Government".

GUPTA, SHRI SADHAN—
Resolution *re* President's Proclamation *re* Andhra. 411.

GURUPADASWAMY, SHRI M. S.—
Business of the House. 408.

K

KATJU, DR.—
Resolution *re* President's Proclamation *re* Andhra. 409, 415—25, 428, 452, 507—12.
Resolution *re* security of service to Government employees. 562—64.

KESHAVAIENGAR, SHRI—
Resolution *re* security of service to Government employees. 543—46.

KRIPALANI, ACHARYA—
Resolution *re* President's Proclamation *re* Andhra. 409.

KRISHNASWAMI, DR.—
Resolution *re* President's Proclamation *re* Andhra. 463—70.

L

LABOUR APPELLATE TRIBUNAL—
Calling attention to Government order modifying decision of —— on Bank Award. 405—07.

LANKA SUNDARAM, DR.—
Resolution *re* President's Proclamation *re* Andhra. 410-11, 424, 458—63.

LAW COMMISSION—
Resolution *re* appointment of a ——. 564.

M

MEHTA, SHRI ASOKA—
Business of the House. 408.
Resolution *re* President's Proclamation *re* Andhra. 448—58.

MORE, SHRI S. S.—
Resolution *re* President's Proclamation *re* Andhra. 409-10, 426-27, 428-29, 481—91, 501.

N

NAMBIAR, SHRI—
Resolution *re* President's Proclamation *re* Andhra. 420, 421.
Resolution *re* security of service to Government employees. 537—43.

NARASIMHAN, SHRI C. R.—
Resolution *re* President's Proclamation *re* Andhra. 477—81.

P

PRESIDENT'S PROCLAMATION—
Resolution *re* —— *re* Andhra. (*Adopted, as amended*). 409—516.

PRIVATE MEMBERS' BILLS AND RESOLUTIONS, COMMITTEE ON—
Motion *re* Fourteenth Report of the ——. (*Adopted*). 515.

PROCLAMATION *RE* ANDHRA—
Resolution *re* President's ——. (*Adopted, as amended*). 409—516.

INDEX
TO
LOK SABHA DEBATES—PART II
Vol. VIII—No. 5
19TH NOVEMBER, 1954

A

ALAGESAN, SHRI—

Resolution *re* security of service to Government employee. **546—48.**

AMJAD ALI, SHRI—

Resolution *re* security of service to Government employees. **520.**

ANDHRA—

Resolution *re* President's Proclamation *re* ——. (*Adopted, as amended*). 409—516.

B

BANK AWARD—

Calling attention to Government order modifying decision of Labour Appellate Tribunal on ——. 405—07.

BASU, SHRI K. K.—

Resolution *re* President's Proclamation *re* Andhra. **420, 428.**

BHARGAVA, PANDIT THAKUR DAS—

Resolution *re* President's Proclamation *re* Andhra. 460.

Resolution *re* security of service to Government employees. **562.**

BUSINESS OF THE HOUSE—

Business of the House. **407—09.**

C

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE—

Government order modifying decision of Labour Appellate Tribunal on Bank Award. **405—07.**

CHATTERJEE, SHRI N. C.—

Resolution *re* President's Proclamation *re* Andhra. **502—07.**

CHAUDHURI, SHRI R. K.—

Resolution *re* security of service to Government employees. **548—52.**

CHAUDHURI, SHRI T. K.—

Calling attention to Government order modifying decision of Labour Appellate Tribunal on Bank Award. 405.

Resolution *re* President's Proclamation *re* Andhra. **411.**

COMMITTEE(S)—

Committee on Private Members' Bills and Resolutions—

Motion *re* Fourteenth Report of the ——. (*Adopted*). **515.**

D

DATAR, SHRI—

Resolution *re* security of service to Government employees. 552—62.

DESAI, SHRI K. K.—

Calling attention to Government order modifying decision of Labour Appellate Tribunal on Bank Award/ **405—07.**

DIVISION—

Resolution *re* President's Proclamation *re* Andhra. (*Adopted, as amended.*). 513—16.

E

EMPLOYEE(S), GOVERNMENT—

Resolution *re* security of service t ——. (*Negatived*). 516—64.